

Idiocy of the Indian Protection of Women from Domestic Violence Act!



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It is foretold! The torrential flow of inexorable destiny!

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In feudal language nations, there are various kinds of social and familial errors, connected to erroneous communication codes. Without going in for correcting these very basic errors at this location, all endeavours to correct such errors through legal strictures and such other things will not only be useless, but also are fraught with acute social and familial dangers.

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Macaulay was the person who drafted the Indian Penal Code, which came into force in the year 1860. It is possible that most of the legal luminaries in India who drafted the **Protection of Women from Domestic Violence Act** wouldn't be much aware of these lines. It was written by Macaulay when his dear sister got married. His sister had been close to him, but then he insists the predominance of the new relationship that she was now having, and the relative insignificance of her affection to her brother in comparison.

The attachment between brothers and sisters, blameless, amiable, and delightful as it is, is so liable to be superseded by other attachments that no wise man ought to suffer it to become indispensable to him. That women shall leave the home of their birth, and contract ties dearer than those of consanguinity, is a law as ancient as the first records of the history of our race, and



as unchangeable as the constitution of the human body and mind. To repine against the nature of things, and against the great fundamental law of all society because, in consequence of my own want of foresight, it happens to bear heavily on me, would be the basest and most absurd of selfishness.



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Introduction

At first glance, the Indian **Protection of Women from Domestic Violence Act, 2005** is a very wonderful act. For, it proposes to protect the womenfolk from their husbands. From all kinds of abuses from their spouses, in terms of verbal, non-verbal and physical violence. Yet, anyone with some level of profundity in the matter of family relationships and the reality of the Indian social scene would discern a streak of mediocrity and callousness in the drafting of this Act.

Yet, it may be borne in mind that many are the statutory laws and Acts of India that have been drafted by equally callous brains. So, it may not be correct to take up these drafters alone for disparagement.

The ambit: It is not possible to discuss the various issues encroached upon by this Act, purely within the ambit of the wordings of the Act. For, Indian married life and the various



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associated facets are of a very complicated theme. The spirit of many written and unwritten laws and conventions do run deep into the very inner fabric of the social communication systems of the geographical area currently called India.

Indian Judiciary and its limitations: Before embarking upon the theme, a few words may be spent on discussing about the Indian judiciary and its various subordinate units. The Indian judicial apparatus was designed and set up by the British. What was proposed was to bring about a legal system that could be comparable with that in Great Britain. However, what ultimately came into being in India had not even a shadowy resemblance to the British judiciary, even though many of the terms, statutes, legal terminologies and even procedure were either copied, imitated or simply mimicked. Though many of the judicial officers were quite learned, they were encumbered by the huge power of the Indian



feudal communication systems that stood in stark antagonism to the very concept of equality before the law.

What was aimed at and what came about:

What the British aimed was to bring in the concept of equality before the law, equal status of citizenship and equal right to articulation to the citizens and such things. However, under the Indian languages and the social communication systems it enthused, none of these things could be brought into India. For, Indian languages are essentially feudal, hierarchical and totally supporting inequality in every sense of the word. Even though the Judiciary did maintain a facade of English within the parameters of jurisprudence, that also only added to the feudal mindset. English was a language kept apart for the financially higher classes in India, who could literally enjoy the freedom it gave them in interpersonal communication. For, the vast majority of common persons



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were kept beyond its ambit. So, that knowledge of English was seen as something quite elite and exclusive.

The differing levels of freedom: Indian words of addressing and referring, including such words as *You, He, His, She, Her, Hers,* and even *They*, have various forms, each one of which point to certain social levels, and right to certain levels of equality, rights or curtailing of rights to articulation, and also to certain social freedom or restrictions.

Even though the Judiciary was there to seemingly protect the citizens from such inequalities, and injustices, in practise and in effect, it was simply a supporter of all these kinds of diabolisms. For example, everyone knows that the bureaucracy as well as the terrible Indian police does use differing levels of words for differing levels of citizens and social groups. Their attitude varies as per the levels they allow or accept in the word levels.



Indian Judiciary has been more or less silent on this gross injustice, that has continued in this landscape since times immemorial.

The solicitors: Now, what about the lawyers or advocates or who may be called the *solicitors*? They are the persons who the common man should approach to seek the righting of the injustice in the social and administrative systems. Well, the truth is that at least a major percentage of them are of a very mediocre mindset, with the security of their own feudal superiority, their main focus. They do not treat their clients with a level of dignity, unless they are from the upper class and rich. To most of the ordinary folks, they are also feudally undignified in gestures, words and usages. As to their mental calibre, most of them are not good in English and may not be able to read a good English classical novel from one end to the other. Such persons are the so-called *guardians of the laws*, or the so-called *officers of the judicial*



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courts in India, which should have the spirit of the English liberal social systems. So, it goes without saying that many, not all, of them are also not of optimum quality and calibre to safeguard the various facets of liberty of the common man here.

It is true that among them, as among the other citizens of this place, there are persons of true calibre, rectitude and refinement. Yet, they can only exist as an appendage to the system, as the system is powerful and quite overwhelming. However it is this minor percentage of lawyers who ultimately uphold the higher quality of the Indian judicial system.

Citizens of India: Now, we come to the citizen of India. Most of the citizens of India are coming from the *vernacular school* medium or from no schooling. Both are more or less the same, in that the same vernacular feudal codes are in the mindset of both. They



have been indoctrinated with certain levels of freedoms and right, and also of limits of rights and with many restrictions. It is true that if they are allowed more freedoms and rights, and removed from many of these restrictions, they would not know how to make use of them. For, they are innately trained to follow a herd instinct of subordination and docility. Any extending of more liberal attitude to them, would only propel them to act over smart, and be insubordinate, as they have no training in equanimity in a free atmosphere.

Indian police: Next we come to the so-called police in India. Most of the police personnel are coming from a very low level intellectual calibre, with only feudal vernacular in their mind. They cannot understand the finer aspects of human freedom. What they can innately act out is to be extremely draconian to the lower class, average Indian citizen; and extremely docile, nice and respectful to those they perceive to be socially dominant and



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having power and connections. These policemen cannot be in any manner entrusted to protect anyone. For, their very entry into any social situation can be a very painful experience to everyone concerned. However, in a nation like India, where a huge section of the population will indulge in looting and rioting, if given a chance, these policemen are required. Not because they have the capacity to deal with these things effectively, without creating provocation, but because a higher quality police force couldn't be maintained or developed after the so-called Indian independence. One of the major reasons for this was the total ineptitude of the so-called Indian leaders. They lacked the mental standards to create anything great on their own. Moreover they were hell-bent on destroying precious British-built systems. English, the language of tremendous social equality, dignity, quality and brotherhood was described as the language of evil rulers.



In between, it must be mentioned that there are person of great calibre in India, who may or may not be in the limelight. However, they have not been able to do anything to stop the seepage of quality from India.

All India Service ‘Officers’: Now, there are two more entities who need to be discussed. One is the so-called Civil Service Officers of the national government; the IAS, IPS etc. Even though the Indian All India Service is ostensibly described as the follower of the erstwhile British created Indian Civil Service, the actual fact is that there is nothing comparable between the two. The Indian Civil Service of the British times was a pure English based framework of officialdom. Since it was English, the chance for feudal words and usages to bring in sharp discordance in verbal communication was quite minimal, even though the external Indian social condition was fully feudal. Beyond this, the service exam was also



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based on English themes. So naturally a highly elevated mentality, quite removed from the tugs and pulls of local feudal hierarchical relationships, was there inside the higher echelons of the bureaucracy.

After the so-called Independence of India, the contents of the exam were also slowly changed and ultimately it was brought into a level wherein personal quality connected to English was totally removed. Anyone with precious little information in English classics, but with the capacity to mug up other various subjects like Science, Mathematics, Political Science and such could simply enter into the higher levels of the bureaucracy. There is no need to emphasise that in this new ambience, the aim to establish a non-feudal official system was given the go by. Beyond all that, the requirements of small-time political compulsions also came to affect the system. For example, instead of aiming to give qualitative improvement to the so-called



Scheduled Castes and Tribes, compulsory reservation of seats in the All India Services also came into practise. A minimum of 20% compulsory reservation to such candidates meant that even if they came with very low calibre and marks, they had to necessarily be given the posts. In many ways, this was also an easy way found out by the low-quality leadership; a mood that started right from the time of Gandhi and Nehru. None of them had any idea as to how to bring in quality improvement in the people. Incidentally, it may be stated that both the persons mentioned above are England-returned rich persons. Also, it may be borne in mind that during the British rule period, people from the lower castes did get higher jobs. Yet, they were persons who were extremely good in English to the level of being at home in English classics.

Ultimately there has come about a situation wherein there is no quality in the All India



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Services also. The personnel therein also indulge in corruption, money making on the sly using inside information, taking bribes of huge amounts and such. Currently all of them earn a king's salary as pay, and an astronomical amount as pension. Their only professional aim being to be to see that they retain their kingly positions and that the lower citizen doesn't rise up to their levels.

Drafters of daft laws: Next we have to focus on the actual persons who draft the laws and Acts. Well, it is believed that it is the Indian legislature that does make it. Well, their work is simply monkey tactics. Most of them do not know English and thus cannot understand what it is basically they are passing. Beyond that, even those among them who can understand the wordings wouldn't want to waste their precious time on studying the various sections of the Acts. For, they need time for petty **politicking** and on garnering commissions on international governmental



purchases. Ultimately, the laws and Acts are just the handiwork of a few self-centred, semi-ignorant, and utterly inept persons. Most of their own personal vexations and likes and dislikes get embedded into the wordings.

The issue here is that they have no time or inclination to ponder on the fact that when they write draconian provisions into the Acts, wherein the local, terrorising policeman gets tremendous powers without any provisions or framework of checks and control, they are doing the job of the Satan. Meagre understanding of the Indian social scene as derived from equally mediocre social science textbooks is not enough to tackle the huge social problems facing India. The problems have to be dealt with at the grass-root levels of mental training. Instead of having the guts, knowledge or information for that, all these persons have is the draconian right to make corrections at the top layer of the social system. It only ends up by giving the ordinary



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persons terrible heartaches and a field day for the evilly disposed.

As a person with an immensity of experience in dealing with the various functionaries of the Indian government apparatus, and also as a person who had to go through the immensity of rules, laws and statutes, I have to say this much also before going ahead with the subject matter.

Three totally idiotic laws are currently deeply provocative. One is the Act in context here. The other two are *THE CHILD LABOUR (PROHIBITION AND REGUALTION) ACT* and the *Right of Children to Free and Compulsory Education Act*. The first more or less curtails a child's inherent right to work or do a business, and earn, if he or she desires. The second puts the children of this nation into the hand of an abysmally intelligent and totally uninformed group of people who are called the 'teachers', and more or less made their



slaves. Their parents also come under the unintelligent control of this 'teacher' class.

Quality of the newly made executive orders: Beyond all that, it is my observation that most of the rules made after the departure of the British, or the amendments made on to existing ones, by the Indian government officials, in the various departments, such as the Excise, Revenue, Industries, Motor Vehicle, Land Registration and such departments are of a kind that treats the local citizen disparagingly. The tone and mood is as if the local citizen is a crook, and needs to be treated as such. In the case of the Sales Tax also, the various statutes are more or less the same. {I think that there was no Sales Tax during the British rule}. The way in which they have written rules gives much leeway to the officials concerned to make money on the sly. Even though ostensibly, the attempt may be seen to make more money for



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the government. Which in turn is to feed the immensity of leeching public servants.

This is the precious background and perspective from which all the statutory rules and Acts of India, should be viewed. The Act in context here is a just mediocre attempt to make patchwork corrections to errors which really require profound and root-deep overhauling.

The right to say this: Now the reader here may rightly come up with the question whether the writer here has claims to superior attributes, mental calibre and rectitude. For how else can he dare to question the credentials of nationally renowned legal experts?

The answer is that the writer does not claim that he is of superior attributes, but only that when he wants something, or buys something, or gets some service, he does have the right to make judgements about the



things or service for which he is paying for. This much right or a similar right only, does the writer claim here. He has no claim that he could have been a better administrator, a more refined solicitor, a more elegant teacher or a more efficient government official. All that he had in his inner mind is that there were better persons here in charge of changing the shape of this nation, before 1947. However, that part is quite removed from the context of the theme here. Persons interested in pursuing my arguments in that regard may read my book: **Horrendous India! A parade of facade in verbal codes!**



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Chapter 2

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The demeaning of the wife

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The contest

The hierarchy in the family



Now we move on to discuss the various facets of the Protection of Women from Domestic Violence Act. As mentioned earlier, this discussion cannot follow the tracks of wordings of the Act, which at best is only a display of empty pedantry.

Before entering into the exact premises of the discussion, there is one more item that needs mention. That is the so-called equality between men and women. It is a theme that is ferociously discussed in many nations. More in nations, where actually there is not much of an '*equality*' issue. It is like the claims of the Blacks for right to equality with the Whites in English nations, where actually there is not much of a discrimination as that can be conceived of as in nations like India. For in nations like India, such right to equality with any superior class of people, including the rich, government officials, social superiors etc. cannot even be pondered upon, by the lower classes.



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In Indian feudal languages, it is a very rare occasion for anyone to be equal to anyone else, just like that. More so, the husband with the wife and the wife with the husband. In most Indian vernaculars, the wife is addressed with a *You*, that is usually used for the servant, subordinate, snubbed, oppressed and such persons. The same goes with the word *She*, *Her* and *Hers*. Moreover all the restrictions that the language codes impose on a subordinate in his or her communication with a senior are imposed on the wife also. For example, she cannot address or refer to her husband with a mere '*name*'. A suffix of a word of '*respect*' is compulsory. The same compulsion is there for any subordinate *viz-a-viz* the superior.

Codes of endearment: Yet, this is also the way of endearment in Indian social communication. The loyalty and attachment of the serf to the lord is encoded in these hierarchical word codes.



Now, here the question cannot be: *Why should she show him subordination? Let her call him by his name.'*

For the society and social communication is feudal. When she shows her respect in very obvious terms, the others in the society also observes it and lends respect to her husband. It, in many ways, is a sneaky trick she plays on the society to garner respect and thus power to her husband.

The powerful social unit: Now, where does that leave us? Well, the obvious understanding should be that a husband-wife team is one unit, with its own internal aims, ambitions, desires and compulsions. When they are united, they are very powerful. A husband with a supportive or loyal wife is a very powerful entity in the social scene.

Here one needs to go into the feudal language code arena and understand thus: When the wife supports the husband, his



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power goes up. He feels secure, and quite mentally composed. In the social and business arena, he and his family unit is a very powerful entity. For, it is an issue of leadership. Persons who have studied the issues of leadership know what brings in leadership. It is not knowledge, power, intelligence, quality, calibre, education, stamina, verbal power, cunningness and such things that make a man a leader. All he wants is a supporter, a disciple or a loyal attendant, to become a leader. In Indian feudal language, some kind of leadership is essential for interacting with the society. A person who cannot display any such attributes is a non-entity. {In many ways, this compulsion shall point to the continuous striving for leadership by everyone, by creating some issue, if there is none}. Here, his wife stands powerfully in the position of a loyal ally.



Now, how do we get him to lose his leadership, his mental composure and focus? Well, just successfully indoctrinate the wife with themes of equality, freedom, stature, right to go anywhere at anytime, right to be with anyone, right to listen to persons who her husband doesn't like, right to work for others etc. Well then, what happens? His wife becomes unsteady in her position. Her husband will feel the wobbling in the codes. Everything that he had as rightful claims also goes wobbly and uncertain. His sense of leadership, mental composure and his focus, all goes haywire. His stature starts fading. Others win.

Tranquillity verses an earthquake: Actually, when talking about female freedom and other various rights, the social environment that spins a web-like environ around a person should also be understood. Each language lends a specific right of articulation, movement, dignity and mood of equality to



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the persons who live in that language. For example, in a pristine English environment, a subordinate addressing his superior by name or with a Mr. or Mrs. or Miss., prefixed, wouldn't be seen as an offense. However, in most Indian languages, if a subordinate is to do the same, it would literally create an earthquake.

Similarly if the subordinate doesn't get up or remains seated, when the superior enters the room, it is not a thing that may even be noted in an English environment. However, in most scenarios in a vernacular social setting, this would be treated as an action of stark impertinence, which would call for the most severe punishment.

Error in making value judgements: In a similar manner, one cannot make value judgements about Indian social behaviour and compulsions, without understanding the verbal codes that brings in the obligation.



I have seen Indian NGO Websites making such declarations, or its equivalent: *Are you insecure with your husband?* The inner impulse being that if you are insecure with your husband, come over to *us*. Naturally another person's wife being in their possession is a grand achievement. For, it literally lends power to their posture of leadership.

The issue here is that the very viewing of another person's wife as being claimable by others is a very negative thing. Yet, there is the other reality, that many women are not happy in their present stature in the family. However, that is the reality with a lot many other individuals in India. Do you think that the workers and other subordinates in India, who work under many other Indians, are happy? Well, the truth is that they are not. For, due to the very feudal, undignified, suppressing, snubbing and taunting character of the feudal vernaculars, it is a very tragic



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thing to be under Indians. That is the fact for most people here. A very visible example of this is a visit to the local police station by an Indian citizen. He gets worsted by such mean and demeaning words from the police officials. Not necessarily because he has done any misdemeanour, but just because it is the way the communication codes work.

The demeaning of the wife: To a limited extent, the same demeaning can come upon a good percentage of Indian wives, for they are literally attached to Indian men. But that is the current state of India. The governing class is not much bothered about improving the standards of these people and their culture. They know that English can bring in quality, but then it would set in real upheavals in the social leadership. So, they want the people to remain in their hellish state, from where they would show more obedience, loyalty and attachment.



Winning over a woman: As regards most Indian wives, it is a truth that they can be given better lifestyles by the rich folk around. Better living environments, better dressing standards, better cooking ware, better food, better transportation, better words and even better respect. But that is what the game of seduction all about. It need not be men trying to secure others' wives for their sensual enjoyment, but simply others for securing loyal subordinates. Or it may simply be aimed at destroying a competent competitor.

A seeming slavery: Now how do I approach the subject? Well, the issue is quite complicated. There are various facets to an Indian married life, all of them connected to the social communication system. Let me start from one specific arena.

I was once told by a Muslim man that after marriage, a wife cannot go to her father's house even when he dies, without the



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permission of her husband. Now, seen from an English perspective, the whole theme boils down to downright slavery of the wife to her husband. But then similar themes are there not only in Islam, but also in Hinduism also. As to the local Christians that I know of, they also literally ‘give up’ their daughter to her husband’s household.

Now, the same custom wouldn’t be there among the Christians of England. Now, what does that prove here? Well, it basically proves that the language does affect the social customs.

The sacred partnership and the forced entry: Before discussing the issue that I have raised here, there is something that needs to be said. Even though a marriage is essentially a partnership between two people, here in India, a lot of other people more or less forcefully enter into this sacred premise, without any concrete *locus standi*. The



various uncles, aunts, cousins, sisters, brothers, various in-laws, parents, on both sides get connected to each other. Each one of them start getting various suffixes of '*respect*' or else move to certain levels of subordination to others in the various links. Even though, it may seem that these things are silly and of no value, the fact is that these strings, suffixes of '*respect*', subordination, positioning etc. are quite powerful. All familial communication and even social evaluation depend on the positions that are thus displayed. Due to this entry of others and the various positions that they come to occupy, Indian marriages become a quite complicated event. Yet, the essential fact that the marriage is actually a partnership only between the two persons should not be forgotten in the melee. All laws, conventions and statutes should focus on this sacred fact. However, the **Protection of Women from Domestic Violence Act** does seem to forget



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this theme in its hurry to patch up a lot of problems without proper understanding.

The shift in the string: Now, let us take up the wife's parents. This is the way to see this relationship: As per the Indian languages, children are more or less props of leadership for the parents. The parents use the lowest words of *You, He, She, His, Her, Hers* etc. for the children. These are the same words used for servants and other subordinates.

Just as the serving class serve as prop for displaying leadership, the children also do the same thing, involuntarily. The way, the parents communicate to the children are to a great extent the same way that they act towards their servants. Both in a sort of *Indian-slave-master* manner. 'Bring a glass of water. Go and buy this thing.' etc. Again the issue cannot be understood in English. For the words such as *Please* etc. cannot be used



to the subordinates in the Indian feudal languages.

When a daughter marries, she naturally is to be with the husband. That is what marriage is all about. Yet, it is a day of great loss for the parents. For, from being a lower *You*, *She*, *Her* and *Hers* to themselves, she is moving to the subordination of another person, at the same levels of *You*, *She* etc. She is now in a new string of hierarchy. Wherein, her husband is immediately above her. His parents, uncles, aunts, elder brothers, elder sisters, their spouses, senior cousins, and even senior in age neighbours also end up above her in the new hierarchy.

Here the marriage does not have any semblance to what a marriage is in an English social ambience. In an English social ambience, marriage between two persons remains a marriage between two persons only. They remain outside the strings of



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command and regimentation of both the families, for there are no such strings in existence. If at all, such things are there, they cannot come as powerfully as in a feudal language context.

Now, in this scenario in the Indian context, it is not correct to find fault with anyone, if at all the reader feels likes doing it. For, the individuals are helpless, to the extent that they can come out of the strings only by being extremely courageous and ready for belligerence; with an intelligent understanding of what is what. The various other persons like the parents, uncles etc. also act more or less in a conditioned manner, for that is how the local communication functions.

Now, in this very small scenario involving the wife and husband itself, there are a lot to be discussed. For instance, the wife will not be able to forego the years of servitude that she had to her own parents, elder brothers, elder



sisters, elder cousins, uncles, aunts and many others. Also, there will be deep attachments towards those under her, for their respect is a very powerful alluring thing. In feudal language scenario, the presence of persons who lend '*respect*' is a very powerful social help, and they are valued. It creates non-tangible strings of commitment towards the subordinates. All these emotions are totally not there in an English environment. Or at least, the emotions are quite different in their power of impact.

Subordination and the perching: After marriage, if the husband is willing to take up subordination to the various superiors of his wife in her family strings, there will not be much of a problem. However, in modern times, it may not be much possible. For, in most joint family strings, there would be senior persons of varying levels of cultural inputs, intellectual bearing, professional levels, varying social levels of vocation, and



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financial acumen. They would try to claw on to the new comer and perch their power on to him. If he accepts the perching, then there is no problem. For, he can also place his claws on to so many others in the wife's family tree. However, similar to the so-called racial repulsion to unacceptable entities, India is full of repulsions. For, these perching all come in the form of usage of lower words for *You*, *He*, *She* etc.

Many persons will not feel comfortable with the gnawing attachments that come in. Moreover, in many cases, the husbands also would love the freedom of a nuclear family, or may like to bring his wife under his own family strings.

It is not an easy situation. First of all, the wife's parents would try to retain their strings on their daughter. On an initial impression, there may not seem to be any problem with this. However, the issue needs to be



understood in this manner: Her husband is also a lower *He, His* etc. to her parents. When thus placed, their way of reviewing him would be as a subordinate. It is a different evaluation, quite removed from a higher level wording evaluation.

The contest: When he tells his wife to do something or to take up a particular stand on any issue, her parents might try to test the power of their own string on her, as against the string of command placed on her by a ‘*subordinate*’ guy, her husband. They might tell her to do something that is quite the opposite. Well, it is the beginning of the tussle between her parents and her husband. Now, the husband is quite at a disadvantage. For, he has to continuously use the higher words of ‘*respect*’ for her parents. Yet, they are at the liberty of using the lower ‘*disrespectful*’ words for him.



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There are a huge number of cases wherein the wife sees her husband as lower to her parents. When such a situation arises, every time the wife goes to her parents' house, this mental indoctrination gets more and more emphasised and empowered. Here, it may be seen that husband is slowly reaching a level of a nonentity. This is more so, when the husband is having lesser financial acumen. For, the same comparative evaluation would be done by the society also, which also would have the affect of a daily mental impact on the husband.

The hierarchy in the family: Now, in the Indian feudal languages, the husband is given the rank of leader. For he can use the lower words of *You, She, Her, Hers* etc. to and about his wife. The wife is the subordinate. She has to consistently use the higher words of *You, He, His* etc. about her husband. Now, that is the way it is in the language. It is language that designs relationship.



Now, it is like the military or any other hierarchical set up. Yet, the wife's parents can do the undoing of this set up. Merely by making the wife come back to her house, whenever they want her. That house is another command centre. This command centre would want the breakdown of the other command centre, if it is does not come under its own subordination. Here, the husband would be forced to order his wife not to go to her parents' house without his consent. Going with his consent, in the language codes, makes the going a part of his own command string. Going without his consent makes the going a truculent action. It more or less breaks down the household, and makes the wife's parents' house a competing headquarters.

It is in this context that the Islamic tenet that says that the wife can go to her parents' house even on the occasion of her father's death only with her husband's permission.



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For, it is striving to protect the unit called the ‘*family*’ from the diabolical inroads that other outsiders can make, based on their own version of rights. Yet, this must also be said. This tenet is there to correct the other imbalance that feudal language codes bring in. That of moving the headquarters of the family to the wife’s parents’ household. However, this tenet should not be taken up as such in an English ambience. For, the relationships are different.

In an English marriage, it is an action in which two persons of equal levels enter into a life partnership. The headquarters of the household is within that household, and not in the household of the husband or of the wife. Yet, in all matters a joint decision can be helpful. Not one imposed on one by the other. For, the family leadership is in a space somewhere between the husband and the wife. Not in the husband’s parents’ house or in the wife’s parents’ house.



Now how do we proceed from here?



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Chapter 3

What the Act enthuses

What the Act enthuses

Recourse to justice

Contravening the provision of the
Constitution of India

Going beyond its brief

Defining the concept of a family

Examples of outsider rights over the wife

Liberating a sheltered female

What the Act mentions and what it forgets to
mention

The longer route to benediction

Her man and his woman

The fettering and the meaning

The essential codes

An external command



Let us first examine what the **Protection of Women from Domestic Violence Act, 2005** proposes to do.

It does not aim at the protection of the unit called family. Its name gives the impression that it is putting up defences against the physical assaults of the husband on his wife.

Yet, in reality it goes much beyond the scope of this definition. Moreover, the ways and manner of its doing is not conducive for a healthy family life.

For, once the provisions of the Act are used, the continuance of the family as understood in the Indian social context becomes a farce. It is a situation wherein the husband literally exists in terror of eventualities, as experienced by him. So, in effect this Act is only a handy piece for the blackmailing wife and her relatives, including her father, mother, uncles, aunts, cousins, brothers, sisters, their spouses and others. There is no



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scope for any healthy married life, in the aims of this Act.

Recourse to justice: If it is physical attacks that are the issue, then there are laws in force to curtail, control and punish it. They can be used. In fact, if either side does physical violence, then these laws can be used. For example, a wife beats up her husband at the behest of her paramour, parents, boss and other superiors. The husband will have recourse to justice using these laws. There have been cases of such incidences.

However, the Act that is being discussed here is totally a one-sided one, with more or less no provisions for safeguards for the wrongly accused person. For, it needs to be understood that *usually* no *ordinary* (notice the words *usually* and *ordinary*) Indian wife would go to the police station and give an accusation on her own. She will be led by her parents, or some other persons who dominate



her mind. Here itself the issue of the wife being under the control of an outside entity comes in.

Contravening the provision of the Constitution of India: Next is the issue of: *How can a one-sided law be enforced in this nation?* There are provisions to equality in the Constitution of India. How can they be simply ignored?

Well, the answer can be that the plight of many wives in India is terrible. The answer to that is that the plight of *most people in India is terrible*. For example, if one goes to the plantation areas, one can see plantation workers living a life, if seen from the outside, of terrible slavery. Yet, that does not mean that one can take them out from there and keep them as their own serving class.

Going beyond its brief: The **Protection of Women from Domestic Violence Act, 2005** goes beyond its brief. Instead of seeking to



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bring in support to the existence of the family unit, it gives legitimacy to rank outsiders like the wife's relatives to interfere right inside the household.

Defining the concept of a family: What the government should have done before embarking on this un-understood topic was to first define the concept of a family life, and its parameters. The family is essentially a nuclear one. All the *local* religions support this concept, in the face of very ferocious onslaught it will have to bear from the claims of various outsiders. Even though the wife of a person is his own, the common social system, enforced by the feudal language did give outsiders many claims on the wife.

Examples of outsider rights over the wife: For example, in the utterly stupid Matriarchal system, the husband was more or less reduced to nullity. It was the claim of the wife's granduncle to decide who she should



live and sleep with. The tremendous power in the feudal words, made more powerful by the matriarchal system was to give this draconian right to a rank outsider who claimed to be her uncle. Now, the issue is also connected to the fact that most women who had to experience this sleeping with socially high-class outsiders did not really mind the issue. For, it was in a way, a way to enjoy the thrill of adultery with socially desirable personages, in a most legitimate and socially acceptable manner.

During the earlier centuries in many areas of India, the local feudal lords could lay hands on the wife of the lower class man, by simply taking her for employment in his household. The husband was literally a helpless creature when this happened. For the feudally crippling words and usages made him a sort of slave to the situation, even though there were no chains, which are usually used to define slavery.



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Liberating a sheltered female: Then there is the continuing issue of the wife's family literally entering into a highly liberated mood the moment the marriage is over. This issue can be explained thus: When a girl is brought up, she is generally kept in a sort of closed enclosure. She cannot go out wherever she wants. She cannot be outside in the evening hours. Being outside on her own, in the night-time is totally out of question. Her going in the company of outsiders is prohibited. She has to get the permission of her parents or uncles or aunts or elder sister or brother, or even sometimes of her younger brother, if she wants to go outside on her own.

Even though all this extremely cautious stances may be seen as a very good idea, given the general insecurity in India, actually the fact is that it is all a facade. For, all this very obvious acts of bringing up a virtuous girl is aimed at maintaining the marketability of the female in the marriage market. For, the



moment the marriage is over, the parents heave a sense of relief. For, from now onwards the girl need not seek anyone's permission. The attitude changes to: *Why should she ask his (her husband's) permission for going out? She is a free person. She can move with others if she likes. He is being very suspicious. Let her study what she wants. What is the problem if she accompanies another man on a journey to another place?*

Now the whole issue of a suddenly *socially-bursting* out wife is on the shoulder of the husband. Now, here the reader may think that the writer of this book is being supportive of the husband. However, this is not the truth. For, both the Indian husband as well as the wife is from a horrible social mentality. Whatever they are bearing, they will also make others under them bear. It is not a case of them being good and the others being bad.



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It is a mentality that everyone carries, and uses on persons who come under them.

What the Act mentions and what it forgets to mention: Now, when the Act is talking about the prohibitions on the husband, it is quite idiotically being silent on similar prohibitions that have to be placed on the wife's parents, uncles, aunts, sisters, brothers, cousins and others.

The husband should not use abusive words or insult them (his wife's various relatives). Well, that is good. Yet, where is the provision that they should also not do the same things to him? Well, the husband can take up the issue to the courts or the police station! Well, only a bloody idiot can believe that all such things are easy. It is quite possible that the drafters of this Act have had no occasion to deal with the Indian Police as a common man. Moreover, if this is the way the husband should react towards provocative actions from



his wife's parents' family members' side, then why are they also not to take recourse in the same manner? Drafting a law that violates the very concept of equality before the law, with secure equanimity is something that has to be punished at an equal level of brutality. For, such laws have made the life of millions in this land a hell. This land is a hell for an immensity of persons. These mediocre drafters are adding to the terribleness.

The longer route to benediction: Before embarking on finding fault with one of the entities in an Indian married life, and daring to introduce rules and laws into it, there should have been a spirited attempt to first codify what the Indian institution of marriage means. These drafters have taken the easier route, befitting their illustrious mediocrity. That of standing as guardians to one of the entity, sending out a signal to the other that he is the evil side in the marriage, and that he better watch out.



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Her *man* and his *woman*: Let us take the issue of the man-woman relationship in a marriage. The husband is her *man*, and she is his *woman*. Even though this may seem a very silly statement, the truth is that this is the very basis of true marriage, in its unfettered state.

The words *his* and *her* literally make the person a sort of property of the other. Well, would these words provoke the invective of the feminists and of the law makers? How can a woman be the property of her husband? Well, the question of whose property is she, then comes in. If the answer is that she is no one's property, then she becomes a *free-for-all* to seduce and secure. Well, that is quite an idiotic proposition and conclusion.

The fettering and the meaning: Marriage has its fettering, no doubt. Like a person who joins a labour force in a company. There are rules he has to obey, servitude he has to



bear, seniority he has to display, and a link in a string/s he has to become. Like that marriage also has its meaning. Well, the exact design of the marriage depends on the language of social communication, and it is to a great extent redesigned by the language of intellectual pondering that one uses in one's brain. Feudal vernaculars design marriage quite differently from an English speaking people's marriage.

The essential codes: What should the codes of Indian marriage include? Well, there should be a real understanding that marriage is a joining up of two persons in a special kind of union. All others are totally outside this unit. They cannot try to persuade, seduce, secure, make use of, or indoctrinate one of them without the full permission of the other. Well, they can try, for it is everyone's freedom to do such things. But it is not a righteous act on their part. And it can be rightfully resisted by the other person's partner.



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An external command: Even the calling of the wife by her parents without the permission or knowledge of the husband on a mobile phone is an act of intrusion and belligerence. For, simply compare the situation with a business organisation. When the personnel enter the premises, they are told to switch off their mobile phones. Why? Because, it is like an associate of theirs coming and talking to them right inside the business premises. It links their thought processes, to outside issues, which would make their commitment for work in doubt.

Here again there is a difference between an English work area and an Indian one. In the Indian one, the associates wouldn't use words of respect about the boss in their private places. So allowing outsiders to call upon the workers would amount to allowing them to use disrespectful words, right inside the owner's own premises. It can really bring in issues of discipline, and efficiency in work.



For discipline, regimentation, obedience, loyalty and such things are connected to the *respect-subordination* word codes. Mind you there are no such issues of indicant words in pristine English.

Similarly, a wife being called by her family, boss, professional associates, are all attempts to draw her out of her family affairs. It depends on how the husband views this. If these are persons, who are mentally accepted by the husband, and he knows his place of servitude or superiority to them, and there is nothing cantankerous in the relationships, then it *might* not be a problem. However, if there is an acrimonious tone in the relationship, then the wife has no business to attend the call. For, it is literally like her being called upon on the road, when she is walking with her husband, by a person whom her husband views inimically. For once married, she is a new person, with new links and attachments. Other attachments have no



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business to compete with this attachment. If benignly endowed, they can only send signals that empower this new attachment. And not that would spoil it.



Chapter 4

Leadership in the wife

What designs the domination?

A disruptive coach

A tool for the upwardly mobile

The females also as detractors

Action by the aggrieved on her own

Spurring a revolt

The slotted arrangement

The English difference

The vernacular adjectives and the
deciphering

A real test of marital loyalty



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Now let us speak about the leadership quality of the female. There is a general belief that the Indian female is weak. Well, it is correct only to a very limited extent.

I need to discuss this issue from my own life experiences. I come from a family in which the females were not subordinated. In fact, they were quite superior. For one thing, on my maternal side, the family system was *matriarchal*. Wherein the women folk had more say in the husband-wife relationship. For as mentioned earlier, the husband was a sort of non-entity in terms of power over his wife. The power was in the hands of the granduncle of the wife.

Second, my mother was a senior government officer, who more or less carried some legacy of the British-Indian officialdom. Beyond that very good in English. To top it, financially not dependant on the local populace, due to the



fact the income was from the government coffers.

What designs the domination: I have noticed one very significant point. Actually there is no male domination over females inherently. Whoever is on the *higher side* of the feudal, hierarchical word code is superior and can control the other. If the female can use the lower words to the male, she is superior. That is all. The only thing is that in the husband-wife relationship, the wife has to acknowledge his superiority in the word codes.

A disruptive coach: Another thing is that usually females of the common levels cannot approach the police for any family issues, other than at the behest of some other vested interests. Now, in my own family, my mother was quite able to call the police for her own issues or for some other woman's issue quite fast. For, when she approaches the police,



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being a retired senior government officer, she gets the higher words of respect from them. Usually, she is a '*Madam*'. Being a person, who loves to trounce persons who doesn't acknowledge her social superiority and who loves to take over the subordination of others from their own superiors, she does make use of the provisions of the Protection **of Women from Domestic Violence Act**, to create havoc in other families.

When married females come to her, she coaches them with such words as '*You are not his slave. You should move out on your own. Why should you need his permission? He is not your superior.*' And such words. However, she is very careful to see that her own subordinates are quite subservient to her.

What she is basically trying to do is not to create a peaceful atmosphere inside the household of the other females, but to create



belligerence where there had been none. She finds it quite unbearable that another woman is being loyal and faithful to another man. It creates a feeling of revulsion in her.

A tool for the upwardly mobile: My observation here is that the **Protection of Women from Domestic Violence Act**, is only a tool for the upwardly mobile class. Or a tool for such do-gooders like the NGOs, who want to come as aids to the lower class females. In both cases, there is a slight issue of contravention of what is actually aimed for by the Act. In the first case, powerful family members, both male as well as female, can use this Act to intimidate the husband. In the second case, rank outsiders line up like my mother, to batter up another man, both physically as well as legally.

The females also as detractors: Now, there was another observation that I had. When I brought up my own daughters, my policy was



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to lend them all the freedoms that are healthy for them. Took them for joggings, swimming, playing football, and much else. Though it did create a sense of acrimony towards me among the others, it was mainly the female folk who took it all up as a direct challenge on them, especially in the home arena. When I used to take them out in the night time in my vehicles, they would very visibly propose and wish for some major mishap to happen.

So the question of the males being the limiters of the female freedom is not correct. Even though both the Indian male as well as the female does face daunting limitations in unrestricted social movement. This is basically due to the varying levels of social hierarchy that also brings in varying levels of personal quality. Not necessarily connected to moral standards. The lower the person is, the less is his or her possibility for decent social interaction and movement around the township.



Action by the aggrieved on her own: If this Act has to be used, it has to be used by the female on her own. If she is acting at the behest of others, she has committed a terrible contravention of the sacred tenets of marriage, by aligning herself to others against her husband. It is here, the issue of a root-level change of social culture has to be envisaged.

All these rights to equality and personal dignity are all connected to English. The wife being equal to the husband is also only possible in English and languages similar to that. Being in vernacular and claiming equality, is akin to not standing up, when the class teacher comes into the class in an ordinary school in India. It is rank disobedience, impertinence and outrageous. It deserves the severest punishment!



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Spurring a revolt: Now, let us think about who all would propose the wife to disobey her husband and make rally her to revolt?

The slotted arrangement: For this one has to understand the regimented formation of the Indian family. Inside each family, there is a specific regimentation of persons. Usually the senior aged persons don the top positions. Or in some cases, the rich persons occupy this slot. It can be both males as well as females. Whoever is on top, are in the vantage position to view all others as subordinates, and to receive their homage, in words, usages, deeds, postures, gestures and precedence.

The others arrange themselves in the various groves downwards. Each level would have persons subordinate to themselves. At the bottom usually are the children. In some of the households, the children exist below the level of the servants of the house also, in terms of hierarchy in words and usages.



Now, one of the youthful male persons in this household goes forth and marries a female. She is brought to the household. Now, where does she fill in? Naturally below her husband. Yet, not only below her husband, but literally under everyone who is above her husband in the hierarchy. If she enjoys the position and the servitude, then it is a liberal atmosphere for her. If she can't find enjoyment in the servitude to others other than her husband, then she would claim that she has been enslaved.

Now, there is this very fine aspect to be understood. She is not just below her husband, but below so many others who go up the pyramid. It is like in an Indian police station. There are constables under the Sub Inspector. Yet, in the departmental hierarchy, there are so many other senior officials like the Circle Inspector, Dy.SP, SP, DIG, IG and DGP above the Sub Inspector.



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The Sub Inspector can enjoy rights over the constables only to the extent that his senior officers allow him. If he is on a stance of hostility with them, they would simply ask the constables to disregard him. Then his only method to enforce his authority would be his own personal mental and physical capacity. There would be no help from the departmental regimentation to subordinate the constables. However, if the constables are attached to him at a personal level, then he can manage to remain as their leader, despite the scrapping of support from the higher authorities.

The same is the situation inside the husband's house. The wife has been indoctrinated to listen, obey, respect and to support her husband by the powerful regimentation inside the husband's house. Indicant words, messages, hints and many such things from the family members all add



up to inform her that she is subordinate to him.

The English difference: Here comes one of the major differences between an Indian marriage and an English one. In an English marriage, it is a relationship between two persons, with no similar continual regimentation done to subordinate the wife to the husband. Whatever she has learnt over the years about the social conventions act as the machinery to make her accommodate herself as his wife.

However, in the Indian situation there is a terrible power in words, that cannot be conceived of in English. To explain it, I may need to digress a bit and go to the themes in my other books.

The vernacular adjectives and the deciphering: Look at this line: *He is a good man*. Now in English we understand the word ‘good’ as the adjective. However in Indian



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feudal languages, the word ‘good’ is not actually the most powerful indicant word regarding the person’s quality. Instead, it is the word ‘*He*’. ‘*He*’ can literally be in three different levels in most Indian languages. In Hindi, I think only two levels are there. Now, the word ‘*He*’ when used in the three different levels, introduces three different personalities. The highest is a great person, who has to be acknowledged, revered and obeyed.

The middle level ‘*He*’ is an okay guy, not too great or too small.

The third level ‘*He*’ is a nonentity, a person no one need give much credence to. He can be treated like dirt.

Well, this kind of deciphering of codes is related to the question of whether this person should be obeyed, respected, worshipped and acknowledged. The same lower indicant word



when used in the sense of endearment has a different level of deciphering.

A real test of marital loyalty: Now, suppose the husband is on a path of obvious or subtle hostility with the senior members of his family. Now, comes the real test of the married life. The senior member would quite easily inform his wife not to revere, obey or acknowledge him. In feudal languages, they need not mention it in so many words. All they have to do is to simply change the words and usages to a lower level. The same words can also be used actually, but the sense has to be changed. For example the same lower level word for '*He*' in a sense of endearment can be changed in meaning to that of disparagement and pejorative, by a slight change of tone and emphasis.

These are basically within the ambit of the so-called *oriental treachery*. It is a very huge theme and cannot be discussed in detail here.



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Now, the husband would literally be like the Sub Inspector who has lost his seniors' support. Now again the situation is quite complicated by the fact that in most cases, the marriage would have been an arranged one. In which case, the exact quality, calibre and capacity of the husband wouldn't have been much of a reckoning factor, other than in cases wherein he is a government employee or a rich man in his own right. In most cases, his attainments would be entangled with the various features and attainments of his extended family.

It means that his wife married him not by measuring his total personal worth, but by the evaluation done by her own family (meaning parents, uncles, aunts etc.) members on the total social, financial, official and such other features of his complete family members. So that all his senior family members can and would stake a claim on his wife. If he stands in opposition to them, they would feel it their



right to remove his wife from him. If his wife understands that she is his wife and not a public property, she will stand by him. If she and her own parental side support the claims of the seniors in the husband's house, then she will not support him.

Here the situation can be real terrible, especially if his financial clout is not much. And in such situations, his mental composure would go haywire and his financial stamina would falter. His most important prop in life had deserted him, in the most vital moment.



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Chapter 5

Verbal and non-verbal abuse

Verbal and non-verbal abuse

The expletives

Insubordination and the profanity

The right and the wrong

The spur

Non-verbal abuse

The despoiling, the terror and the effect

What provoked the husband

Non-verbal abuse in action

Where verbal abuse might be a better option

The diabolism in the language



Now we need to discuss the issue of verbal and non-verbal abuse.

The expletives: Verbal abuse as understood in English is quite different from that in Indian feudal vernaculars. In English, the earlier day abuses were *Son of Bitch*, *Son of a Gun*, *Bitch*, *Whore*, *Slut* and such things. These words are more or less in the Indian vernaculars. The issue with these words is that when one shouts such words at another, it is a semblance of loss of mental composure and as such reflects more on the person who says it than on the persons at whom it is directed. For example, when a husband is seen or heard calling his wife a whore, a bitch, a daughter of bitch, slut and such things, what goes down is naturally the husband's own social worth. These are more or less signs of *exasperation*, rather than of offence, as such.



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Insubordination and the profanity: For example, a subordinate in a business organisation disobeys and is insubordinate to the boss, or is acting as the agent of a rival organisation. What is immediately done is to remove him from his job, position or responsibility. However in the case of a wife, who stands in the position of insubordination in a vernacular setting, she is actually in a powerful stance. For nothing can be done to her, other than physical violence. If the woman or her protagonists are cunning enough, such a provocative stance shall be used to make the husband go wild at his totally vulnerability to the offensive stance. He can be provoked in the Indian vernaculars very easily and once he goes in for physical violence, he is at the total receiving end. Generally wives go on such offensive only with soft husbands. In the case of tough husband, it may not work.



Now, it may be understood that only the powerless persons go in for physical violence. For, if he is in a powerful stance, and all his relatives are with him, the wife is in a powerless position. For, the very words in the communication can enslave her. These are things that the Blacks, who aim for the highest of equality, that of equality with the native English speaking whites, never can imagine. They can only understand slavery as connected to chains. The presence of chains simply is evidence that there is no mental slavery imposed on them in English, for it is simply impossible.

The right and the wrong: Now, in such a situation as we find the husband and wife to be in, it is near impossible to say one is in the wrong and the other in the right. For, what ultimately settles the issue is the social conditioning of the people involved. It is like the issue of the children not getting up when the class teacher comes into the class. In the



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vernacular, it is an offence, while in an English setting, it is more or less an unremarkable event.

The spur: In the vernacular, it is very evidently an issue of competition between the husband and his wife. The wife, if she is from the vernacular culture, will be taking an offensive stance at the behest of some other people, who can be either the husband's own relatives, or her own relatives. In some cases, it may be her boss and his or her associates. Or her work colleagues.

Non-verbal abuse: Now it is time to discuss another connected thing. That is about non-verbal abuse. It is a term which I have not heard used in legal terminology. Or associated with any belligerence as in the case of husband-wife, between social or political groups, or even in the case of any official insubordination.



Even though non-verbal abuse can be discussed in an English context also, the actual terror and impact of this is felt only when the language is feudal. For every level of respect and disregard, is associated to a particular level of indicant words. The way one looks at a person who has been accorded the higher, respectful level of *You, He, She, His, Her, Hers* etc. will be absolutely different from the way, a person who has been assigned the lower level of indicant words.

The despoiling, the terror and the effect:

The wife can address the husband with a lower level of *You* and refer to him with a lower level of *He* and *His*. The sheer terror and despoiling that is then affected on the husband cannot be described or explained in English. The affect can be made understood by merely saying that if a group of people go to an Indian Police Station and try such a level of communication with the police officer there, he may literally go berserk. What would



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then ensue would be events comparable to what happened at *Jallianwalabaag*.

If the wife is shown the freedom to use such words to her husband by either the husband's own relatives or by her own relatives, she might do it. The only thing that can stop such an event from happening would be her own love and respect for her husband. However, usually such things are not connected to any intellectual evaluation of the person, but simply on how others introduce another person. So, usually if she is given the hint that her husband is a nitwit, and not deserving respect, then that is it.

Seen from an absolute perspective, both the husband as well as the wife is merely the victims of a delinquent and diabolic communication software. However, that understanding does not help matters here.

What provoked the husband: Now, there is the issue of the husband using abuse words



like *slut*, *whore*, *daughter of a bitch*, *daughter of a prostitute* and such things. Well, the first issue to be understood is that these are the abusive words one learns from school and college. Not necessarily from the streets. Second is the query as to what really provoked the husband to use such words, when there was actually not much of a sound from the wife.

Non-verbal abuse in action: Here again one need to go into the realm of non-verbal abuse. What is non-verbal abuse? Well, suppose the peon in a judicial court is curling his eyebrows with a frown at the judge, or glaring at him, or simply ignoring his words to do something, or even doing the opposite of what he was asked to do, or gesturing with his hand that the judge is a non-entity. Well, these are all highly provocative non-verbal abuse. The peon actually did not use any abuse words. However, the judge would be seen to get extremely furious. If he has no



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other recourse to punish the peon, he may literally burst out in verbal abuse. He might even go into physical attack. However, such things do not usually happen, for the judge is empowered to use many powerful things like the executive and judicial powers, including the right to call the police. Moreover, usually the peon is also a person who knows the correct etiquette and decorum of behaving in the court. Yet, the peon's job is a lower job and he is much subordinate to the judge.

Now, the issue of non-verbal offence can be taken to the context of the husband-wife belligerence. The wife need not use any abusive word to the husband. All she has to do is to frown at him as if he is a delinquent subordinate, curl up her brows and gesture to him in a tone of a command or admonishing. She can gesture to others not to mind him or simply to treat him like a nitwit. The issue here is that the husband does not have judicial powers, or the capacity to order the



police. If the others in the scene also take a stance of hostility to him, his only way to control the violent mood that sets in would be to go in for verbal abuse. It may give him the respite from going in for physical offence.

Where verbal abuse might be a better option: The Protection of women from Domestic Violence Act does mention the issue of verbal abuse. But there is no mention of ascertaining the context of the abuse. Suppose it was the only way to subdue the provocation that should have really gone the way of physical violence? In which case, the husband did the right thing.

It is like this. The speeding car suddenly lost its breaks. It is on the verge of hitting a group of school children. The driver takes a sharp turn, goes into the wrong side of the road and hits a bus. Well, he has done a misdemeanour, apparently. For, he is in the wrong side of the road, and has hit a bus.



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Yet, the fact remains that he has taken this step to avoid a more painful disaster.

The law obviously cannot deal with this level of logic! Or can it? Well, it can. For that the law drafters and the judicial officers need a better mental acumen as well as deeper understanding of the compulsions that run deep into the fabric of the Indian society.

The diabolism in the language: Now, who is to blame? Well, in the final count, there is the issue of the husband as well as the wife being forced into a slot by the language software which is having a lot of negative factors.

For in a language, where words have such diabolic powers, and where each introduction sets in a variety of pulls, and tugs, from the top, the middle level, and from the bottom, social links can swing the mood as well as human relationship. For example, a simple calling of name by another person has a



definite meaning that goes beyond a similar understanding in English. For a standalone name is used towards persons on whom one has some dominance. It can literally change the whole lot of indicant words, such as *You* to the lower levels. A wife standing in a position that allows another man to call her thus, can be a torment to her husband. Not due to any issue of extramarital relationship or seduction. But in connection with the social or professional status of the individual concerned. If he is from a lower position, it more or less signifies the social belittling of the husband. For, his wife is being either equalised or subordinated by a lower class man/woman.

If he is from a higher class, whom the husband cannot call by name, then it is dominance over his wife by another person, on whom the husband cannot reciprocate in a similar manner. All these things are items that



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cannot really find actual correspondence in the English world.

At the moment, I am only trying to bring out the issues. The ways and manners of bringing a solution to these issues need to be discussed separately.



Chapter 6

Wife working for another person

Wife working for another person

The right to work and the changes

The prop that vanished and appeared on the other side

A vital component in the machinery of leadership

Treachery at its finest

Where the Act has failed



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This brings us to the right of the wife to work for another person. Well, this right also is entwined with the feudal language codes. Yet, before going into that aspect, I would like to mention that in the per-British period and also in the areas where British rule had not made any significant social impact, the lower caste females were more or less simply called to work for the local landlord. The landlord's henchmen would seek out presentable females and inform the landlord, if at all they are not immediately known to him. Even though there was no social custom as such that the serf's wife, sisters and daughters had to compulsorily lend connubial pleasure to the landlord, there was no way the serf could thwart the intentions. Even if he tries to prevent it from happening, it was only a matter of time before she is allured into the more pleasurable ambience of the landlord's ample bed and other gadgetry.



The serf would be prevented not from any financial disability, for this disability was thing that did concern him. The social levels at which he was made to exist simply made him a helpless creature. The wife would also know about it. Moreover, when the others mention him in the lower indicant word levels, she would also literally participate in the demeaning. So to say that the lower caste females were made to undergo forced sex and such things wouldn't have much meaning. For, the females would know that their husbands had only limited social power. While the landlord had huge social powers, which was overwhelming and quite encompassing in the local area. Naturally, power in the feudal language situation, literally acts as an aphrodisiac of unimaginable vitality. What I mentioned in this paragraph is not my flight of fancy. It was a way of life in the geographical area currently called India.



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It was the British rule and machineries of law and order that they set all over the place that more or less reined in the powers of the landlords. Some of them did get into trouble with the local police, whose exact quality cannot also be commented upon. At least some of them who were punished for some truculent behaviour later got adorned as Freedom Fighters at least in popular films.

Now, what has the government of free India done to safeguard the possession of such socially dominated persons in India, from intrusive claims of the rich and the powerful? Even the free-India police do make use of any such women who fall into their hands. There has been no deed from the legislature to provide the social security of these men folk. And talking of social security, since so-believed liberal themes of legislations are being contemplated upon, why has not there been any attempt to provide social security to all persons here, who are enfeebled in



various ways, including financially. Why only a minor percentage of government employees also are eligible for pension, and that too in astronomical size amounts? In England, I mean Great Britain, Social Security in the form of pension is there for everyone who is financially disabled. Not just for the government employees.

The right to work and the changes: Now, let me go back to the theme of the right of the wife to work for another person. Here, as I had mentioned earlier, there is a sharp difference between what happens to a woman who works thus in England and who works thus in India. In England, the woman's so many defining features do not change. For example, she is still *She*, and other words like *Her*, *Hers* etc. does not change.

However, in India, there is a total change in her. When she works for another person, to him, she is a lower *She*, a lower *Her*, and a



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lower *Hers*. She will have to address him with a higher level *You*, and use higher level *He* and *His* when referring to him. It is a very defining categorisation. For persons who are socially of that level, naturally below the other individual, it is not a major change. For, even without working for him, she is still in that indicant word bracket.

However, for a woman whose husband doesn't come in that social level, it is really a marked lowering of social status. Yet, in feudal language codes, people are linked powerfully. When she goes down, her husband also goes down. Her children become *the children of the other man's employee*. Everyone's defining indicant words are affected.

If the husband is mentally and socially from a class that is below the other person, and he acknowledges his lower status in the indicant



words, then it may not be an issue. If not, it is an issue that can continuously disturb.

What literally happens is that the wife is now one among the other employees of the other person. So that in many ways, the husband's status also is of that same level. For, the others would simply pull him down to their levels, by a mere change of indicant word code.

Now, in this totally diabolical situation, to claim that the husband has no say in whether the wife should work for another person or not, is a utter stupid understanding, that only the nitwits who drafted the Act would conceive.

It is like in the case of the prospecting done before a marriage. The family members are quite concerned as to whether the new alliance is suitable to their own indicant word level. For, once the marriage takes place, they are all forcibly brought into various levels



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of subordination or dominance over so many other persons in the other family.

If such prospecting is allowed in marriages, it goes without saying that the husband also can have a say in deciding whether the wife should join a workforce or not. Persons who have a secure financial acumen will sit in that secure ambience and pronounce judgements on the husband. That he is insecure, and jealous of his wife being in other's company etc. Well, the truth is that the husband would feel insecure, even if he is from a lower or higher social level.

That also needs explaining. The wife is working in an organisation. It is a vernacular language social setting. If the wife is a lower indicant worded personality there, then her husband is also likewise. Even if he is from a higher social bracket, people would use sly cunning to filter in lower level information about him in vital areas. It can have killing



effects on his social mobility. For, it is the level in the indicant words that defines his social level. Suppose he was to go to the organisation where his wife is working, he would have to face that level of communication from the employees inside. Sometimes starting from the very security personnel at the gate. The indicant words that the clerical staffs use may disturb him. To the boss, he would be forced to show subservience equal to the level of his wife's standing in the work organisation. Well, beyond all this, he would see his wife being addressed and referred to in the more intimate or lower grade indicant words, that more or less signifies her status as equal to or below that of the other personnel there. The boss will be using the same words.

Now talking about the lower grade indicant words, they signify the dominating, more intimate, one-sided, intrusive personal level of relationship. In that setting, the codes may



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literally show him at a level equal to the other personnel and below the level of the boss, in his dominance over his wife. It shall be a really upsetting enlightenment for him. Yet, it wouldn't be much different from what he would have expected or mentally visualised.

All this just because his wife had joined into another person's subordination. Yet, there is the other claim. She is bored at home. She wants to mix with others. It is an enlivening experience to daily interact with others. Well, here the issue might border on wider issues of what is the cultural and mental level of the wife.

The prop that vanished and appeared on the other side: Now, let us visualise another eventuality. One person is a shopkeeper. His wife doesn't come to the shop, but she is privy to all his business decisions, and details of his vendors and suppliers. One fine morning her some associates or family



relations, get her a job as a sales person in a nearby shop. She is thrilled. Her husband is aghast. However, the others from her associates are of the opinion that she should be given the freedom to work elsewhere. For, why should she stay at home, when he is in the shop?

Now, what is the logic he can come up with?

The next day, she is sitting in a competing shop. She has promised him that she wouldn't divulge any of his business secrets to the other organisation. She says the other owner (male or female) is quite nice. What is he to say about that? He knows, as well as everyone else, that when another person's wife is being poached, the strategy is to be exceedingly nice. If he mentions such things, it may amount to a stark display of some weak mental personality, jealousy and insecurity. This would be mentioned thus, by persons inimical to him.



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A vital component in the machinery of leadership: Now, we need to go into another aspect connected to this issue. It is something really connected to reality codes {see my book: Codes of reality! What is language?}, but I will explain it here without going deep into that arena. It is about the concept and machinery of leadership as it works in a feudal language social setting.

When a person sits alone and he is seen thus by new persons, they do not know whether to accord him the higher indicant, higher respectful words. Yet, when he is seen accompanied by an adjutant, who very obviously respects him, that very respect would diffuse into the seeing persons. They would also be spontaneously forced to accord him a higher indicant word usage. Once this is done, an aura of leadership envelops him. This is a phenomenon that may not have an exact parallel in an English setting. For, here



the affect of indicant words is there, which is absent in English.

Leadership in feudal language settings is an accruing thing. It builds up, as more and more persons assemble under a person. For, more and more persons start using the higher indicant words. Beyond all this, the presence of a woman as a supporter and prop is a very powerful thing. Especially, if the woman is seen to be from a higher quality arena. Indicant words, respect and leadership can literally shoot up.

Treachery at its finest: Now consider the situation of the wife of the shopkeeper being in constant companionship with the other shop owner, male or female. It is a very powerful deleting of leadership from her husband and transferring it to a competing entity. In all sense of the word, it is a very powerful action of infidelity. Treachery at its worst or best!



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Where the Act has failed: Now, what is the provision in the Act that at least mentions that the husband has a right to his wife's companionship, as against the claims of a competing individual or institution? Or at least the right to demand his wife not to lend props of leadership to another person to whom the husband has no liking.



Chapter 7

The fervent theme of male-female equality

Indoctrination in English verses that in the vernacular

Bringing up daughters as inferior or otherwise

Differing capacity scale

Ineptness of equalising unequal beings

A sly, standalone technique to overtake

Where females reach above

Equalising the unequal

A dramatic change

No such things as equality in India



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Indoctrination in English versus that in the vernacular: Now I need to go into the fervent theme of male-female equality. Well, in England this equality can be more or less considered a mere fact of life; even though, it is also true that man and woman are not same, but have different physical and mental features. The question is only about equality of status. In which case, in English it is not possible to keep either the man or woman at a lower status, other than by statutory means. The same issue of Black slaves in the US not mentally being indoctrinated that they are lower in status. For, unless there is a statutory law that they are inferior, it is not at all possible to insert the idea that they are inferior in their heads.

However the case is quite different in India. Anyone can be quite forcefully informed of his inferiority by simply changing the indicant words connected to him, in a relative sense.



Bringing up daughters as inferior or otherwise: I had been long observant of the fact that usually the females in a household are brought up in an inferior status manner. This fact became a forceful understanding when I had my own daughters. They were taken for swimming, including in the sea; they went for long distance jogging; travelled with me all round the state; were allowed to watch the English movie channels right from their infancy; went with me outside even in the night time; were allowed to play outdoor games, including football; went for roller skating, went for hitchhiking, and many such more or less minor things, that every male child does as a matter of everyday event. In the case of watching the English movies, at the time, I was in a village area, where it was then the standard idea that females should not be allowed to watch English channels at all.



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Differing capacity scale: Now, it must be mentioned that there are an immensity of females who do all these things and may be more. Yet, viz-a-viz the males, on an average, the females are brought up in a closed arena. However, this understanding is quite a relative one. For example, if one were to go into many villages and minor towns, there are thousands of males, who have not travelled much, not seen an English film, does not know swimming, does not play outdoor games, cannot speak English etc. However, in their case they have to be compared with the females around them, who will most certainly be in a worse containment.

Ineptness of equalising unequal beings: So in the social set up, there certainly is a marked lowering of status for the females, relative to the males around them. Now to say that the females who have less social and mental experience are equal to the males who have comparatively more mental and



worldly experience is a total idiotism. However this sentence is not to mean that all males are superior to all females. The understanding should be taken like this: As one goes down the social ladder, the females are increasingly in a lower mental and worldly knowledge, as far as outdoor life experiences are concerned. Yet, it does not mean that they are without innate intelligence. Even the most inexperienced female in a remote village, may have a better idea to run the house than her male counterpart. Or have the capacity to get a better bargain on an agriculture product sale.

A sly, standalone technique to overtake:

Yet this must also be said. The females in the lower levels are more adept at using the sly cunning of lower indicant words to extract leadership with no other signs of intelligence or social information. This technique is a standalone technique and quite effective in suppressing others, including the males.



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Now, as one goes up the ladder, especially to the social areas, wherein English is more common, the level difference between males and females become increasingly less. Now, there are arenas wherein females may even overtake the males in capacity. This has to be explained in more words:

Where females reach above: When the female and male equality is more or less, equal, some females can certainly show more capacity than males, depending on their individual capacity and lack of forceful social downgrading. There are other types of females, who may not have innate higher capacity, but can forcefully show power by just being rude, impolite, truculent, and suppressive of others including the males. This is not really a visible feature of equality or of superiority, but rank incivility and lack of worldly experience; or possibly due to certain distressing life experiences. However, they may also find it quite a successful strategy.



However, there are men also who use downright rudeness and incivility to achieve a seeming feel of leadership.

Then there are the solitary areas of equality or superiority that females can exhibit. It is in certain closed arenas. For example, a female whose has not much worldly experience, yet has come to occupy a higher position in a business organisation. Certainly she would be in a senior position, and may even be quite efficient in that area. Yet, in an innate English sense, she is still inferior in many capabilities.

Or in some areas like a job in the software world, or in a Call Centre etc. a female may still possess superior capacities. However, since she is still a recluse to worldly experiences, as detailed by me earlier. For, when it comes to stark worldly events, the males may view her as a novice.

Equalising the unequal: Now, we come to the question of equality again. Unless a



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person is of equal capabilities, how can one insist he or she is equal? It might be like saying a servant is equal to the master, as one might seem to see the scenario in an English setting. In the vernacular, the words insist that she is inferior. And she is quite at home in that setting.

Now again, the understanding that I am trying to convey is not getting through. For, it is not essentially individual capacity that lends the equality or superiority or inferiority. For instance, the servant man would be capable of playing football, climbing up a tree and possibly dealing with a live snake. The boss may not be capable of doing any of those things. Well, then how do we deal with the concept of equality, superiority and inferiority, as understood in Indian social communication? Well, ultimately it is the mental mood. That of being having the social capability of being equal and if needed, superior. If this is not there in a female, and if



the feminists argue that she is equal or superior, it is just like saying that the maid servant in the house is equal to the lady of the house. Basically, it is the parents of the female's job to inculcate that she is no less than her male counterpart. But that doesn't come by just repeating the sentence, but by allowing the same level of independence and social freedom to the daughter that they allow for their son. Will any Indian parent dare do this?

A dramatic change: I have mentioned the term '*Indian maid*' in the last paragraph. Let me go to that arena again. There is a specific house in a South Indian state, of which I have heard of. When visitors ring the bell, the door might be opened by a very quality looking female of age (then) around 23. She talks good English. And has the bearing of the lady of the house.



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However, she is not the lady of the house. She is (or at least, was) actually the maid of the house. She had joined the household as a young girl maid servant many years ago. However, since everyone in the house spoke English consistently, she also learnt the language, and was soon on talking terms with them in English. Once in English, it is quite difficult to maintain the draconian snubbing tones that are there in the vernacular. Soon she was on *first name* terms with everyone, and later was part of the household, as a sort of regular member. She would sit with them at the dining table, and literally participate in everything as a member of the house.

Now, that is the difference that English makes. And what the Blacks of the English nations never understood, as they went on claiming for more and more equality, with every levels of superiority given to them seen as not enough.



Now, the same is the issue with the discernment of Indian women. Seeing from English, they are an enslaved lot indeed. Yet, from the vernacular, they are in varying levels of freedoms, linked to so many other factors. Trying to impose the English levels of equality, without bringing in English is an utter nonsense.

No such things as equality in India: Now, let me go back to the theme of equality between husband and wife. In Indian languages, there can be no such equality. Fighting for such an *equality* is like fighting for the Indian servant to be equal to his or her master. For, every word in the communication does enforce subordination on the wife. Along with this subordination, there comes the factor of discipline, need for display of inadequate intelligence, need to show lesser smartness and less efficiency, need to ask permission, and such other things. That is the way the language codes work.



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If the servant displays more intelligence, efficiency, smartness etc. that goes beyond his accepted levels, it can be a very distressing thing in the Indian languages. It does not help in the social environment. The same is the case with the subordinated wife. Her higher abilities, in the feudal vernacular settings do not really help in creating an amiable ambience. It does the opposite effect, other than in real emergencies.

All these things are really connected to the language codes and also connected to what can be called reality codes. I have dealt with these issues in my books: *March of the evil empires; English verses the feudal languages!* And in *Codes of reality! What is language?*

To cast blame on the husband in particular and the men folk in general is a total idiotism, that springs from lack of profundity.



Chapter 8

The theme of discipline

The tenterhook of intimidation

Comparing armed personnel quality

The vital leadership

Tumbling the leadership

The aspect of force and power verses
regimentation

Punitive rights

Violence and provocation

What marriage is all about!

Automating endearment

Woman as the master of the house



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The tenterhook of intimidation: Now that we have reached here, there is something connected that has to be dealt with. It is connected to the issue of discipline. Indian vernaculars *insist on force* to subordinate. For example, when visiting English men came to India during the British rule in India, they found that the sovereignty and rule of law, and such things were all based on the concept of force and intimidation by arms. It was an experience completely different from that in England. Some of them have commented on this. Even now, if one were to ask any Indian Police officer, he would insist that the people of India should be kept on the tenterhook of intimidation. Any leeway given to them would be misused, and they would go directly into impertinence. However the inner codes that make this a necessity are the vernacular language codes. Obedience is given to those whom one respect. Respect is given to those one fears. Such empty words



like '*I respect Gandhiji, but I don't fear him. I will obey him.*' and such things do not really have any meaning in the matter of discipline. For example, Gandhi couldn't control his own followers from indulging in looting, arson, stone throwing, intimidation of traders selling foreign goods etc.

Comparing armed personnel quality: To understand this concept further, let us look at the Indian army. The lower soldiers are literally terrorised during the training session to such an extent that they view their officer class, who looked upon them, as some sort of divine beings. They themselves are made to bear a very lowly individuality. Now, look at the English army. The British army personnel do not come with such a slavish attitude to their officers, and a mentally degraded mood.

One Indian soldier who had been deputed to one African nation as part of the UN forces, told me thus: *When we were there, the British*



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contingent was also there. The British army is a totally different world. The British soldier is a totally different person. We are like the servant to our officers, but they are not like that. Yet, whatever way we serve our officers, they also do it. Yet, they are in a higher level. I can't explain more.

Now, this is more or less the situation in all things. You can't take an English setting and compare it with an Indian setting. Change the language, and then there is no need to enforce the settings. It comes automatically. {I don't think that the English that is taught in Indian schools is much different from Indian vernaculars}.

The vital leadership: Now, in every organisation, there is need for a leadership. This statement can be brought into the realm of the family also. I had said that that the leadership inside the family should not be in the husband's parents' house or in the wife's



parents' house. It should be well inside that house itself. {By house, I do not mean the brick and cement one, but the non-tangible parameters of a family unit}. Now, we reach into the question of where exactly should it be inside this household. Well, one of the major factors that should decide this is the language of the household, itself. For, if the language of the household is English, the leadership shall be more or less near to the midpoint between the wife and the husband, with a slight shift to the husband's side. That slight shift is again brought in by the general mood of male domination in the totality of the Indian nation.

To say that men do not like to be under women is not entirely correct. If the subordinated men are at home in the usage of '*respectful*' titles to the woman, then they do not have much problem. If a low capacity woman is perched on them forcefully and they are made to extend the title of 'respect' to her, even when they perceive her to be of



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lesser individual capacity, they do or might rebel. However, this is not just because the person is a woman. For, even if the imposed inferior person is a male also, they would revolt.

Tumbling the leadership: Now coming back to the issue of leadership inside the household: If the household is a vernacular speaking one, no matter how much one tries to make the wife equal to the husband, it is not possible. As impossible as saying that the Indian soldier is as equal to the British soldier, in his qualitative interaction with the officer class. Frankly it is not possible. For, if the Indian soldier was to show a higher individuality, it would surely distress his officers. If the vernacular speaking wife is showing more capacity, it would surely distress her husband. If the vernacular speaking servant is showing more individuality, calibre and intelligence, it would disturb his master, male or female. When the



vernacular speaking wife is showing more capacity, she is not becoming an equal to her husband, but more or less, overtaking him. In the vernacular, there is no such concept as equality, that can sustain for long. One either goes up or down as time goes on. It may be noted that other family units and their members in the society are basically competing social units, as understood in the vernacular. When the husband of one family unit is overtaken by the wife, it shall add to the glee of the others. As surely as the Indian side would delight in seeing the Pakistani soldiers overtaking their officers. When leadership tumble, the unit tumbles.

It is more or less the same in the Indian vernacular household. Now, speaking about the English speaking household, there is this reality to be mentioned. In most English speaking households in India, English is only a part of the communication system. The other part is still the vernacular. So again, a



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lot of complexity would come into this issue of leadership.

The aspect of force and power verses regimentation: Now, speaking about leadership, how does the Indian army officer enforce his authority on the soldiers? Well, he has the power to punish severely. Yet, that is not the only thing that brings in discipline. The real disciplining factor is the regimentation created by the codes, tenets and decorum of the army.

In the same way, for a family to function, there are many unwritten codes, conventions and cultural aspects that aim to bring in a pyramid-like formation inside the family, whereby the husband is treated as the head of the family. It is these things that really hold the household together. The wife can very well say to the husband, *‘You move with so many women in the outside. I can also go with any man I like. If I want I can sleep with*



him also, if I want. It is my body that I am lending him'. What really curtails such talk is the totality of social conventions that discourage such talks and frowns on such behaviours.

No set up, organisation and institution can hold together or exist without a framework to hold it together. In the case of the Indian army, the officers are given punitive rights. Now, here we come to a really complicated question of should the husband have such punitive rights. Well, in the English army also, the officers do have punitive rights. So, in essence it is not the officers having the punitive rights that make the difference. But something different. That is the English language.

Punitive rights: However, in the Indian family there is no such thing. So, again we go back to the question of punitive rights to the husband. Well, traditionally in India, the



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master class, like feudal lords, the teaching class, the policemen all use terribly physical force to enforce discipline and to subordinate. That is a part of the Indian national culture, forced upon the people by the feudal communication.

Now, the best manner to remove this tendency is to bring in English. However, that takes us beyond the scope of this book. Yet, in real truth, this shall bring a change to the character of married life from that of a feudal set up to that of a liberal set up in which the husband and wife interact at a real level of equality.

Violence and provocation: Physical violence from the husband and his henchmen on the wife is not allowable. Neither is physical violence from the wife and her associates on the husband allowable. Yet, when studying this issue, the provocation also needs to be studied. As mentioned earlier, the issue of



verbal and non-verbal abuse by the wife. The word provocation as understood in English has no meaning in the Indian vernacular. For, the violent provocation that can set in as a person's *standing in the virtual codes* gets smashed up by a mere change of indicant words is not at all understandable in English.

Suppose the common man goes into the police station and addresses the police Inspector or constable with a lower *You*, and uses a lower *He*, what would happen? Well, he would be beaten to a pulp. What would happen to an ordinary soldier, if he uses similar words to and about an officer? He would be literally playing with his life.

Well, that is the level of provocation that such words have. Now, suppose the wife uses such words to the husband, what might happen? Well, if the husband is really tormented, he may go in for physical violence. Or he may control it with the use of abusive



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words. What the wife would have done would be in a slow voice. The husband's abuse voice would be furious, loud and totally uncontrollable.

Now, the actual fault is with the language. Not with the husband or with the wife. It is just like this: The wife says, '*You don't speak to me!*' The husband beats her.

What an idiot husband to beat her for such a simple sentence. He must be a real brute.

In English, this is the easiest explanation. And if one were to ask a psychologist or a psychiatrist, he would go into the idiotism of his textbooks and come up with some equally idiotic terminology.

Yet, the real explanation would lie in the understanding that the words said by the wife can be translated into the vernacular at varying indicant word levels, each with its own levels of adoration or provocation.



The wife's words were in the totally provocative indicant word mode. If the same had happened in the army or in the police station as mentioned above, something very near to murder would have taken place.

What marriage is all about: Marriage is about love, loyalty, endearment, fidelity and such things. And not about competition for leadership. The joint idea is to promote the family as a whole, including the children. Here, the understanding that all others come outside the intimate parameters of this family should be there. The hierarchy here should be husband, wife, and children. Not husband's father, husband's mother, wife's father, wife's mother, elder brother, elder sister and then the other others mentioned.

There may come about a time, when the complete social communication may allow a hierarchy where the husband-wife ranking may shift to wife-husband ranking. When it



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comes, it is okay. If it is possible for the wife to convince the husband that she should be in charge, and he concedes to it, it is okay. However a family unit wherein the wife consistently is advised to revolt against his leadership, surely shall head for disaster.

Automating endearment: When we talk about endearment and such things, it is required to mention that feudal vernaculars do bring in such things, in an automatic manner. For example, when the boss uses lower words to his servants and the feudal lord uses them to his serfs, they reciprocate with respectful words. Not with acrimonious words. What develops here is a loyalty and attachment quite different from what those words mean in English.

Now, in a similar manner, inside the family, when the husband-wife communication is line with the above mentioned mode, then an endearment and loyalty comes to exist



between the spouses. Yet, the moment the wife changes her words to that of the lower indicant case, it literally means that she is no more in a level of loyalty, love and attachment to the husband.

Now, I leave this issue here, for the time being, to return to the tantalising issue of equality between the wife and the husband.

Woman as the master of the house: Can a woman really be the master of the house and the husband the second in command? Why not? Well, let us take the case of *polyandry*. That is a woman having more than one husband. The most common understanding is that of a woman being under the command and string of more than one person. It is not quite possible in the current understanding of a woman's personality. It would literally be like a dog having so many masters.

Yet, there is another way of looking at the same. I have seen strong women (I mean



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very rude types) in command over docile men, who are their serving class. Well, in the same manner, a strong woman can marry more than one such man, and more or less lord over them as in polygamy. The men's personality will be tune with the subordination that fits their station and situation. Yet, the whole marriage set up to function perfectly, the whole society or at least a significant part of it, should be practising the same kind of married life. Otherwise, the whole affair would look quite odd, and the husband may act quite **weirdoes**.

In a similar manner, if in an Indian family, the woman is completely in charge, and the man just a subordinate, there would have to be a complete change of the personality of the woman and the man to fit their stations perfectly. Moreover, the indicant words of respect and subordination will have to reverse to align with the changed scenario. Otherwise, a woman in command being



addressed in the lower case by the subordinate husband would, in itself be a cantankerous issue. In fact it would be quite ridiculous. Like the Sub Inspector being addressed with the lower indicant words by the constables.

Moreover, a sizable part of the Indian society should be practising this kind of family relationship. Otherwise, this family would be an oddity and certainly eccentric from the point of view of social acceptability. Yet, it can exist, as one knows that the world is full of strange entities. Yet, it is not a common event, as yet.

Yet, I do not think that the **Protection of Women from Domestic Violence Act** does aim to promote any such odd social behaviour.



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Chapter 9

A code to promote family life

Guarding the frontiers

The necessary statute

The threat of intimidation

The plight of the Indian womenfolk

The plight of the Indian men folk

Fidelity and infidelity

Sexual fidelity in women and men

Divorce

The lack of safeguards

Draconian rights to the police

A female in Indian police custody

Ineptitude of the Act drafters



It is quite safe to think that in the ultimate analysis, the drafters of this Act also, would urge for the promotion of the family as a social unit, in its current state, befitting the restraints of the Indian feudal vernaculars.

If that be so, there is a need for some external or internal force to bring in the cohesion in the family. For, individuals are separate entities. There should be some force that makes them join together, procreate, and continue to live as one entity, under a common address. Has the drafters of the **Protection of Women from Domestic Violence Act** done any such drafting, that does promote the family in the first place, before going ahead with an Act that has a lot of intimidation in its wordings.

Guarding the frontiers: In the absence of a coherent written code that enforces the codes of behaviour inside the family, the husband would at times be provoked to use physical



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violence, not only against his wife, but also against her father, mother, uncles, aunts, brothers, sisters, cousins and neighbours. For, they may not have fully grasped the idea that there is an intimate zone for every family, into which they all do not have any business to encroach. The wife has no business to be the agent of her father, mother, brothers, sisters, cousins, boss, co-workers and neighbours inside the unit called family, wherein she lives with her husband and children.

The necessary statute: Persons, especially cornered individuals, resort to violence as a last resort, when they find no other support in the form of logic and loyal supporters. Before blaming them, it is the duty of the government to prop up a support for them in the form of a code of behaviour, and conventions inside a family. This shall include the sacramental issue of the family being a separate unit, and the husband being the wife's *man*, and the



wife being the husband's *woman*. Without this statute in place, there is no way there should be other statutes that aim to target one of the entities in the family. The very viewing of the family as a place where the occupants are in mood of mutual fighting, and the outsiders acting as the saviours of the woman, has an element of deceit. The outsiders' job is not to pull away another man's wife towards themselves, but to only see that the family unit pulls on.

The threat of intimidation: If there is physical violence, there are already provisions in place to deal with them. There is no need for a separate law that makes the wife so *special* that she naturally comes to feel that she is a special entity quite superior to the husband. If that be so, her parents and other relatives who feel that they have not been mentally accommodated by the husband will continually seek to seek revenge by plotting to make the wife revolt against her



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husband. In most cases, the powerful lower indicant words with which they place her will have the effect of commands on the wife. And she will do their biddings, and intimidate her husband with the possibility of a police case, if her husband doesn't do the biddings of her relatives.

Now, the reader should understand that the writer is not a supporter of any man or husband, but simply stating the fact that a one-sided law has no reason to be passed in this land. There may be good husband, good wives, bad husbands and bad wives. There may also be the issue of both being either good or bad. However, it is not on the basis of there being some bad husbands, that a law affecting all persons should be passed, that will target all husbands, even if they are good, and their wives and her relatives are innately bad.



There is question of whom this Act aims to benefit, and if the target persons do get the benefit, or it reaches into the hands of others who really were not the target persons. That can be discussed at the last.

The plight of the Indian womenfolk: Talking about the plight of the women in this nation, there are many aspects to be considered. One is the fact that the burden of running the household, washing the clothes, cleaning the house, making food, and such other daily chores fall flat on the shoulders of the womenfolk. That is the general experience in this nation, with a few exceptions.

The plight of the Indian men folk: The men folk were supposed to work and bring in the money. However, there have been changes in this set-up. Men folk do not always work, unless they get a work befitting their social status. If they do go in for work below their social status, actually they will do more harm



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than good to the family in terms of social levels and acceptability in their home social circles. Moreover the family's social worth will go down, which will affect everyone in the family. A woman going for a slightly lower job may not affect the social value that much. For, it may not be seen as a reflection of the family's social worth as such.

Women do go for work. And bring in revenue. Yet, still they have to do the major part of the household work including the preparation of food. In many ways, this is connected to upbringing, and it may be difficult to induce men folk to do this work in the family, unless out of duress. If it is a thing that the males are trained in since childhood, it might work. Like I said earlier, a complete change of social understanding. Otherwise to expect the husbands to do this work without any basic training and social convention may be expecting the near impossible. Why this has been so all round the world is not easy to



explain or find out. May be there is a specific reason. Whatever it is, the writer of this book has not been able find it out.

The situation in India is definitely worse than in the English nations. Even though in an English household also, the womenfolk do this work, the innate lower level social existence of the majority womenfolk in India does give a distressing plight to their work. It does have some connection to the language codes.

I can't go into that issue here, for it may be a digression from the main topic.

Before going into the concluding part of the basic discussion of the subject matter, there are one or two more items to be discussed. After that we can move into the finer aspect of the Act itself.

Fidelity and infidelity: First is about the issue of fidelity, and its antonym, infidelity.



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What is fidelity? It is definitely not concerned with sexual fidelity alone. There is the need to understand that the wife has the duty to share her companionship, and body with her husband. What about sharing her companionship with others, which doesn't go into the realm of sexual deeds? Well, this sharing should also not be with persons who are competitors of her husband, or with those whom he doesn't like or with those who have an inimical attitude to him. A woman going with or being in companionship with another person, is a very powerful experience. It is a thing that can enliven a person, fill him with energy, and also make him a leader. No wife is to lend this power to another man, or woman. Unless her husband allows it. As for the husband, he can rightfully feel distressed, agitated and disturbed if his wife doesn't heed his words and caution. A more candid version of this issue is that even to acknowledge another person who uses the lower indicant



degrading words to or about her husband can be an act of infidelity. It is here the actual difference between the understanding of '*fidelity*' as understood in Indian languages and its meaning in an English social environment stands.

Sexual fidelity in women and men: As to sexual fidelity, it is a thing on which there can be no compromise as far as a woman is concerned. Well, then the natural question of how can a man have a sexual affair with another woman would rise. Well, it is certainly a misdemeanour. However in the case of simple, unattached sexual encounter with another woman, the husband shall derive a powerful leadership. The effect on the household shall not be as much as the wife going in for sexual alliance with another man.

This is a very difficult issue to explain, for it does obviously smack of male chauvinism. However, my intentions are far from that



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premises. It is basically connected to my observation on codes that run behind reality. I will try to explain it without going into that premises altogether.

In the case of the man having a sex with another woman, he is still in the controller of the situation, as far as the leadership is concerned. However, when the wife submits to another man, she is more or less placing herself under the other man's level, physically, mentally, socially and also in the Indian vernacular indicant word codes. This last mentioned thing is not there in a similar issue in an English nation.

I am not saying that the husband doing the misdeed is not a sin or not a cheating or that it is condonable. I am only saying that the wife doing it has more negative possibilities, especially in an Indian vernacular social condition.



If at all the wife does like to experience an extramarital sexual experience, it might be done as a joint venture. This is the theme of the current day hot topic of spouse swapping. However, this issue is fraught with unforeseen dangerous, which I have explained in my book on **Indian Married Life**. Especially in the Indian vernacular settings.

Divorce: Now, we need to go into the issue of divorce.

Divorce is a terrible thing to happen, especially if both the partners are made to go into that location on the basis of provocations created by other persons, including the various relatives of both the persons. However, there are cases when it shall be necessary. Especially, if the marriage continues amid terrible mistrust, and sly manipulations. For, the wife's side would naturally go in for invoking the provisions of



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the **Protection of Women from Domestic Violence Act.**

The lack of safeguards: How can a husband extricate himself from this quandary? Where are the provisions in the law to safeguard his interest? How can the drafters of this draconian law simply ignore his plight and right to justice? Divorce is the best option, against going to the police station and facing questioning by the satanic Indian police personnel.

But then divorce itself is quite difficult.

Draconian rights to the police: It is here that one needs to talk about the right given to the Indian police to arrest the accused husband. Before discussing the actual provisions for questioning and arresting him, let us ponder on the qualification of the police personnel to do this job. Most of them are of the ignorant class, who should never be entrusted with such powers over the citizens



of this nation. The majority of them do not have any level of knowledge in English. Which itself make their appointment to this job questionable. Knowing only the vernacular, their full social logic is connected to base, feudal, pejorative vernacular words. A simple questioning by such low-standard policemen is enough to erase away all human dignity from a person, both male as well as female.

A female in Indian police custody: In this context, it may be mentioned that no female from this land should be allowed to be questioned by the Indian police personnel, unless she has proper bureaucratic or political connections. They would quite calmly use low level words for *You*, *She*, *Her* and *Hers*. This can be a very distressing and mentally agonising incident for the female, unless she is coming from a low social class, whereby she is used to the use of such pejoratives. It may be mentioned here that all



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these themes cannot be understood by a native English speaker.

The very fact that even the police personnel who are supposed to be the protectors of women are also abusive to the majority womenfolk here brings in the point that even the government is abusive to the women.

Ineptitude of the Act drafters: The drafters of the Act in context have no experience of what it is to face the police personnel from the other end of the indicant word communication. That much is evident. For, the very casual and callous manner in which the Act has been drafted giving such intrusive power to police personnel of questionable calibre and refinement, points to the ineptitude of the drafters to contemplate on such matters.



Chapter 10

Who benefits from the Act

An illustration in travesty

A draconian Act and its frill elements

Business acumen verses formal education

The duplicity

A diabolic intervener

What the Act could and what it doesn't



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Now we need to seek out who really benefits from such a one-sided law. The wife is not a standalone unit as seen in an English social system. She is a person deeply entwined with either her own parents or other members of the parents' extended household or she is a person deeply attached to her husband. That is the way the Indian vernacular words position her. The hierarchical words are quite powerful, and she is in a string of hierarchy. It is like a constable in the police department. The moment a request comes from the higher officers, it is a binding command.

If the husband or his other family members do not fall in line to the string of hierarchy that extends from the wife's family side, they can resort to the use of the provisions of this draconian law. However, there is one very interesting fact to be understood here. The other members of the husband's family can also use the provisions of this Act to intimidate the husband, by showing him in a



bad light to his own wife. She may stand on their side, as they may successfully convince her that he is a wastrel.

The drafters of the Act always point to the tragic state of a financially lower section of the population. It is true that they are in a tragic situation. Yet, Act is never to come to their aid, for they cannot approach the police without losing any bit of human dignity remaining in them. For the policemen or policewomen would definitely use the lower, pejorative, abusive, insulting and snubbing indicant words for *You, She, Her, Hers* etc. for her, including such other words meaning *lower class female*. The treatment they would get from the authorities may be as of a street dog. The Act is made use of by the upper class females and their family members. Actually these females and their family members are not the targeted group, when the Act is being projected to be the saviours of the lower class females.



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An illustration in travesty: I can relate an interesting incident with regard to another similar Act brought out by nitwits. It is the *Right of Children to Free and Compulsory Education Act*. This Act was propounded to get the totally uneducated children in India educated. In most of the websites of the Indian Government connected to this Act, pictures of street children and other similar children from extremely low educational background is given. So that it is clear that they are the target group.

When I was living in a village at a particular time in life, where the teaching class were more or less of the abysmally low intellectual class, with very low knowledge in English, it was quite difficult for me to put my children in the local schools, both government as well as private. I brought up my children (female) giving them Home Education, that included not only academic studies, but also such other capacities like swimming in the sea,



jogging, football, computer software knowledge, Enid Blyton, reading British classics, stories from Indian epics, higher mathematics and much other things. Most of these things were quite beyond the capacities and calibre of the local teachers. The only input that they could give to the children would be the forced subordination of the children by their use of lower level pejorative words. To protect the children from this forced subordination, I had taught my children only English.

It was then that one of the local political parties of which most of the local teachers were members, conspired and had a police complaint registered against me, saying that I was denying education and social interaction to my first daughter. The Rural DySP came to my house and did admonishing of my wife, when I was not there. He did not talk to my daughter, possibly because he may not be good in English. Later when the local Sub



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Inspector came, I showed him the academic activities of the children. He did not understand one word in English, and simply refused to go through what I showed him. He talked about the *Right of Children to Free and Compulsory Education Act* and that he was going to enforce it. I mentioned that the Act was to come to the aid of children who were not getting good education. In the case of my children, the opposite was the case. It was then he made a wonderful remark that can stand as the touchstone of all similar Acts in India. He said to the effect that: *This Act is for giving such children education. That is true. But we will come only after people like you. We can't go after such people. It has no meaning.'*

A draconian Act and its frill elements: The issue here is that the government was enforcing a law that would pull away children from their parents forcefully and places them under the custody of other persons for around



six days in a week. These people who call themselves ‘Masters’ and ‘Teachers’ are not fit to be teachers in any sense of the word. All they would do is the social subordination of children to the level of the lower castes, and they themselves would become the higher castes. This much is done through the use of *ennobling* verses *pejorative* words, reminiscent of the *zamindar* verses serf communication code.

There was another incident connected to this. When I mentioned these ideas in a one-line statement in the Twitter, one female simply called me an *idiot*. Then she came back and told me to use my children for housecleaning and such purposes. The fact that I was improving the children didn’t seem to register into her mind. When she repeatedly started attacking me, I had to give the link to my write-up on compulsory education that I had placed in my online: Ved’s Writings Page. That more or less shut her up. The issue here



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was that her mind was working like clockwork. Either the children are in school or they are being used for menial work.

Business acumen verses formal

education: Incidentally, I have found that most of the rich businessmen in our area are persons with scant formal schooling and college education. At the same time, the persons who work under them in various levels of subordination are formally well-educated. Beyond that the uneducated owner-class is actually much ahead in common sense, general knowledge, worldly knowledge as well as in business acumen. They are well-travelled and have many social and business connections. The so-called educated guys under them are in a pitiable plight. They literally wasted around 17 years in schools and college, while the other persons literally went in for business right from age seven or even less. I mention this



here to emphasis realities which the idiots who draft laws and Acts do not know.

Now, the same is the case with regard to the **Protection of Women from Domestic Violence Act**. It purportedly aims to protect a section of the females who do suffer, but will end up only as a handy tool to the upper-class females and their family members to wreck havoc on their husbands, and to some extent on his other family members.

The duplicity: The issue here is that the Indian social system is not healthy with the feudal vernacular keeping both the husband as well as wife on tenterhooks. The government supports the feudal vernaculars, but starts viewing the social relationships from the freedom and social interactions available in an English nation. In the vernacular social system, even the very addressing of a wife by name, by another man can be a tormenting issue to her



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husband. Making laws that do not understand or take into cognizance the various factors in communication that can bring in torment, and taking a very biased and one-sided, view, that works like an automated clockwork, is a heinous deed. Persons who do not have the calibre to understand Indian social conditions should not first of all take up the burden of writing laws that powerfully swing the natural checks and balance of the social system, sideways.

A diabolic intervener: Now before moving away from this topic, I need to mention my own parent (female). She was a senior bureaucrat in the state bureaucracy. So, access to the police station was quite easy for her. She was a '*Maadam*' and always the higher indicant words were reserved for her. She had some antipathy for the men folk, and whenever she had a chance to create discordance between a husband and a wife, she would. Unless the husband exhibited



mental subordination to her. She could quite easily call up the police and report a case of wife abuse. The wife may also initially feel the exquisite cosiness of being the focus such attention, with which traditionally she had no experience. Yet, the total effect of my parent's intervention would be the starting of a marital discord.

What the Act could and what it doesn't: It may always be borne in mind that in every human relationship, there is an immensity of chance for areas of friction. Instead of focusing on aspects that can alleviate the problems, the Act in context works to bring about a permanent wound in the heart of the husband.

The Act purports to deal with the aspect of physical violence in the family. Yet, it does not stop with that but goes on to put so many restrictions on the husband, like he is doing a crime, when he says that his wife cannot work



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for another person, when he explicitly expresses his dislike for another person whom his wife likes, and such other things, which are at best within his own rights to speak within the walls of his household. His wife has no business to support another person, male or female, to the extent that her husband has to compete with the outside entity for her loyalty. The very meaning of marriage is that the husband does not have to compete with another person for the companionship of his wife. Even this very little bit of information, the drafters of the Act had no access to.



Chapter 11

The tantalising aspect of physical violence

Fear and respect

A bit on Indian government

The crime of intruding into a family



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Now, let us deal with the issue of physical violence. Physical violence can be done by anyone on anyone. The husband can beat up his wife; the wife can beat up her husband; father can beat up his children; the children can beat up the father; they can beat up their mother; the uncle can beat up his niece etc.

Fear and respect: In many ways this is part of the vernacular culture. For example, the policemen beat up the common man; the government officials harass the public; the forest officials harass the forest dwellers, and also their womenfolk; the army do atrocities in the houses they enter; schoolteacher beats up the children under him. Well, this tendency to use physical violence as a method of bringing in discipline is part of the vernacular. For, a reputation of a '*softy*' can wreak havoc on discipline. Fear brings in words of '*respect*'. A polite man is not a higher-indicant-word-assigned man. However, if the same man can suddenly display his power to



create fear, immediately he goes up in the indicant word ladder.

A husband who is nice may end up as a lower respected man in the indicant word scale. It has a crippling effect on his stature. Everyone, including the Police Inspector is worried about this factor. He would also use violence to get back his '*respect*'. Now this issue should be understood before making a unidirectional and extremely partial law.

It may be understood that if the Police Inspector beats up a common man, it is a crime. However, I am not sure if there is any particular Act that focuses on this alone. For, there are other common laws that prevent this. There are also laws that say that if a member of the public beats up a policeman, it is a crime. Similarly if a teacher beats up a student, it is a crime. There is a Supreme Court rule that states the severe penalty for this crime. This is a crime that takes place in



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many schools in India. Yet, how many cases have been registered in this regard?

A bit on Indian government: It may be noted that in all cases where the government employees do a crime, even if there is a law against it, not much actions come up. For, it is government one is dealing with. The saying that it is the people who are government is a dictum meant only for the *bird-brained*. The actual fact about India is that the people are not the government. The government is the class of government employees. The people only get a chance to participate in the periodic circus called elections, wherein they are hoodwinked to feel some supernatural importance for a brief period, and feel that they are in charge of the nation.

Beyond that, it is true that the people on a whole are also not fit to be in-charge of the nation. At the other end, the people who are in charge of the nation are also not fit to be in



charge of the nation. They simply are usurpers of power, which they are not fit to have. For, the governance of this nation was British-designed, which has no business to be in the hands of such petty persons.

The crime of intruding into a family: Now, coming back to the subject of physical violence, when it is a fact that the husband's rights and privacy can be violated by the many members of the wife's or his own family members, it is not correct to bring in a law, that focuses only on the husband's misdeeds. For, the wife's father, brother, cousins, uncles are also males. The limits of their rights within the other family should also have been specified in very clear terms. An intrusion into the family, even by a mobile call to the wife, to thwart her from doing her husband's bidding should be termed a crime. Can the drafters of this daft law dare do this? Well, it is possible that they wouldn't have the calibre for that.



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Chapter 12

Defining the do-gooders

Defining the do-gooders

The trading of women

No infrastructure for the poor

The abuse from the do-gooders

What the do-gooders aim at

Corresponding changes in other Acts
required

A conspicuous absence



Now, let us look at the features of the so-called *do-gooders*. They are people who turn a blind eye to the total problems of this nation. The feudal vernaculars that despoil both men and women. The lack of social security for anyone who is not a government employee. Pension is there only for the government employees. In English nations, it is there for everyone, who is financially weak. Low quality police personnel.

Judiciary is more or less a namesake, incapable of doing anything other than lip service, to all terrible things done by the government on the people. Police harass and beat up the people; they torment women; in the guise of stopping prostitution, they are given the right to take over the womenfolk for their own private entertainment. In all these things, the courts have been unable to do anything.



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The trading of women: In Bombay, women from other places are lured, tricked, trapped and sold into brothels. No one, including the chatterbox media even mentions all this.

No infrastructure for the poor: There are no homeless shelters, and no safe place for a woman to reside outside her house, if she is on a fight with her husband. English education that can improve the quality of both men and women is actively denied. For, it gives the creeps to the *do-gooders*. For then, they lose their power of dominance over others. Women can manage things on their own if they have the capability, English knowledge and an English social environment. In the vernaculars, the women folk can be dominated by these so-called do-gooders.

The abuse from the do-gooders: The lower level indicant words such as that in *You, She, Her, Hers* etc. are the right of the husband to



use to his wife. Not for these do-gooders to use. When they use it, they are also being abusive, snubbing, dominating, and more or less, oppressive. To all these things, they simply close their eyes and ears.

Without working for arranging such formal infrastructures like homeless shelters for the poor, social security for the financially weak, and proper English education for the common man, these self proclaimed do-gooders barge into sacred arenas in the guise of all-knowing entities, when actually they should first right the wrong they are doing in their own homes.

The do-gooders do not promote the idea that the family unit consisting of the husband, wife and children is the basic unit of society. That this sacred unit should not be fiddled with by outsiders, with the causal idea of disintegrating it. That is, the wife should not be persuaded to side with these outsiders who come in the guise of do-gooders. They



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have no great responsibility for the future of the family which would get disintegrated by their biased, prejudiced and self-righteous intrusion.

What the do-gooders aim at: There are many things that the wife should know about do-gooders. They are persons who are desperately trying to establish a social leadership for themselves. Once these persons are allowed inside the privacy of the household, they practically control events and persons. Even the wife, who went to them, will find that once she is in their clutch, it is not possible to extricate herself out.

It is like in the case of my parent. I had once seen her asking the police to apprehend a husband. When the police officer said that he was not currently residing within their limits of authority, she asked them to call the police station of that area and have him arrested. Now, what would happen was that once the



husband is taken by the police, they will verbally abuse him, and possibly beat him also. That would more or less extinguish any chance of a restoration of the affection between the husband and wife. Once this takes place, the female is literally in my parent's possession. For her husband wouldn't come near her, for causing him the most terrible of events to happen to him; that of being apprehended by the Indian police. Her children also would later come to view her with disdain and disaffection for being the cause of disgrace and disparagement of their father.

Now, this is what the wife should understand about Indian do-gooders. They wouldn't keep the wife in a pedestal of respect. For them, she would be a lower indicant case '*She*', '*Her*', '*Hers*' and other equally disparaging words for '*female*.'



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In India, there is a sly code of treachery that runs down the social communication. What should be done by the wife is to support the husband. If he is a no good guy or someone with whom she doesn't want to live with, then divorce is the best.

Corresponding changes in other Acts required: Yet, divorce is not easy. The mediocre drafters of statutory laws have made that also a very difficult thing. When a terrible Act like the **Protection of Women from Domestic Violence Act** is passed, there should be a corresponding change in the divorce rules also. If a marriage is going through the rough road of the husband being violent towards his wife, then it clearly means that he does not want the woman to be his wife. Why then force him to continue the legal relationship that would lead him to jail. It is his right to extricate himself from a relationship that is dangerous to him, in all sense of the word.



Yet, look at Section 32 of the **Protection of Women from Domestic Violence Act**: The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force. Even though this statement seems quite scholarly, the fact is that it is idiotic. If this Act is to be implemented, then it shall have to question the provision of the laws concerning divorce.

Again the wife should take into consideration what the various interests of such persons as her parents, his parents, her uncles, aunts, brothers, sisters, cousins and of his similar persons are, when they advice her to revolt against her husband. They want a docile person to be her husband, who would listen to them. Yet, her husband is under no compulsion to be their handyman. This is a basic understanding the wife should bear when acrimonious charges are brought against her husband. The moment she marries, she is aligned to him. That is the



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basic tenet of marriage. See what Macaulay has said about his own sister's marriage.

If the alliance is going to a bitter side, without the intrusion of outsiders, then they are not fit for each other.

A conspicuous absence: When looking at the law, there is one thing quite conspicuous by its absence. There is no reference or mention of seeking out what or who is creating the problem, that results in the husband being angry with the wife and the wife with her husband. It is like looking at video clip, in which one sees a man furiously beating another man. When seeking to punish this man, it would be only correct to find out what is must have been there in the video part just before the shown clip. For, what provoked the other man to beat, in the first place? Beating without any provocation would not be logical in the material world of events. Was he under any attack?



Judiciary that does not take the background of the acrimonious action into consideration when passing judgment, is just being quite naïve and unintelligent, to say the least. In a nation, where provocations are everywhere, and where only power can contain it, one should seek to find out why otherwise composed men go berserk.



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Chapter 13

An active look at the Protection of Women from Domestic Violence Act, 2005

An active look at the Protection of Women from Domestic Violence Act, 2005

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Section 39- Cognizance of offence committed by Protection Officer.

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A curious paradox: Now let us go into a detailed examination of the various wordings of the Act. Yet, before that there is one thing that needs mention. The question of: Are women equal to men? Well, if it is proposed that they are equal, then why a discriminatory Act that promotes the idea in all sense that they are not equal? The Act radiates the idea that the women are powerless, intellectually weak, and need guardians to who can watch over even their sexual activities, as to whether the various actions are within the permissible domains of law. If the opposite is being said, that the women are indeed a weaker, lesser intelligent section of the population, why then should it not be understood that the husband necessarily has the right to curtail a part of her freedom to move around and mix, and to regiment her timings. For, in the case of children, the parents have been given the right to control all this.



The writer of this book is not of the opinion that women are innately weak or lesser intelligent. For, he has brought up his daughters in a manner that have limited the control of social refrains on them. He perfectly believes that a female child when born is as equal to a male child in all intellectual as physical possibilities. Or possibly more.

The ineffectual training: However, the female child is being trained by her parents, other family relatives as well neighbours to feel that she is a lesser person. She should not move with the freedom that the male child has, has to do the household chores, should not take part in outdoor activities, and such. Such a mentally enfeebled person is, after marriage being equated to a male, who most probably has been trained in the opposite mood. The exact fault is not with the husband, but with the female's own parents and other relatives.



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Keeping Satan away: Also this may be mentioned. If there are signs of physical violence, then there are provisions in the law that can deal with it. However to make a law with the seeming link to physical violence, at least in its name, that literally goes beyond all this, and which tries to make mincemeat of all tenets of marriage is, to say the least, the work of Satan. Satan has no business making statutory laws in India.

Difference between India and England:

Now before embarking on the tedious job deciphering the various sections of the Act, written in mediocre English, it is good to understand that India is not Britain. Indian Policemen are not equivalent to British Policemen. Police behaviour to the Indians by the Indian Policemen is quite different from the British police behaviour to Britons. Simply writing Sections that say 'arrest', Protection 'Officer', Police 'Officer' etc. has no meaning here other than terrorising intimidation.



Literally a man going to be arrested in Indian on the basis of a petition by his wife or some other third party may literally go in for panic attack, or may simply abscond, if he is unable to find a powerful social or public leader to lend him support. The issue of these drafter being given the power to write such wordings into the Act without understanding the havoc it can create in the social scene, wherein solitary individuals can get cornered by the brute force of inept and abysmally intelligent police and official persons is, to say the least, similar to giving an exquisite jasmine garland into the hands of monkeys. They would literally make mincemeat of all statutes and conventions connected to jurisprudence.

Having said that, let me go into the exact wordings of the Act.

Looking at the various Sections in the Act

Aggrieved person and allegation



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Section 2

(a) “aggrieved person” means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;

The ‘aggrieved person’ can only be a woman. And an ‘allegation’ is enough. Both are violation of the basic principles of law. Or the constitutions should declare that women are weaker than men, and need protection from everyone, including their husbands and sons.

(b). Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner

This is a right everyone has. It need not be defined as Domestic Violence. For it is not domestic violence as such.

Verbal and emotional abuse



In Section 3, **Definition of Domestic Violence** (a), it is stated:

any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

(a) harms or injures or endangers the health, safety, life, limb or well being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

Now talking about abuse, verbal and emotional, the things I have mentioned earlier have to be invoked. For, in a feudal vernacular, abuse is not contained in such abusive words like ‘Daughter of bitch’, ‘Daughter of a gun’ ‘Daughter of a prostitute’ etc. These are abuses that practically despoil the saying person himself, when others hear it. The real abuse lies in the wrong or non-respectful indicant word used to the husband.



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It is totally provocative. The legal luminaries feign total ignorance of this vital touchstone of Indian social communication.

A wife who uses the non-respectful words to her husband and about her husband is being satanically abusive to her husband. What is his defence against this?

Economic abuse

Then about economic abuse? If the wife is also an earning member, then there is no meaning in this. However, if she is dependent on her husband, and he uses this screw to subdue her, what is to be done? Indian males are Indian males. Everyone tries to use sly techniques to subdue others. It is part of the feudal vernacular culture. If the female is having the strings to the purse, she will also use it to subdue her husband. The correction should come in the change of social communication system. Meaning the language.



Returning the wife's financial contribution:

However, when talking about dowry or what may be defined as sthridhan, things are a bit complicated. The marriage takes place between two individuals, who are equal partners. The family uses all financial resources to run their business. Including what the wife brought in. The business fails. Later the wife files an application for divorce. Now, how would one judge that the husband has absconded with the money from his wife? It was a joint venture. The venture failed and the money was lost. I am bringing this aspect here to caution about the jeopardy of using generalizations in the case of what is commonly defined as dowry.

What is generally defined as dowry is only the contribution of the wife towards the total financial resource of the family. It will not remain intact as the years roll by. It is slowly spent on the various activities of the unit called the family. Only if it can be proved that



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the husband made use of it for his own selfish interests does the issue of returning the full contribution of the wife come into the picture.

If instead of dowry, the wife is an earning person. Every month her earnings are coming into the financial resource of the family. Can she then, when filing for divorce, calculate the total of her earnings that has come into the family and ask for its reimbursement. Well, divorce is a failure of a venture that was started with good intentions. When it fails, the law should not take a unilateral stand on one side. And when statutory laws are being passed, the attitude that one side of the venture is of barbarians and the other side of angels should not be there. Basically both the male as well as the females are Indians, and thus both do carry within them all the irascibility that is seen on the Indian landscape.

Coercing and unlawful demand for dowry



Now look at this:

(b) harasses, harms, injures or endangers the aggrieved person with a view to **coerce her or any other person** related to her to meet any unlawful demand for any dowry or other property or valuable security; or

Well, here there is an issue of harassment that is akin to what one identifies with such crimes as kidnapping for ransom. The accused is not seeing the female as his wife, but as a sort of cow for periodic milking. However, the situation here is not what one does find in an ordinary family. Mixing this issue into other features of a married life, can more or less cause it to be included in case of a belligerent legal action. It is a totally different issue. One which is a crime, and has to be viewed differently. Yet, the problem here is that when a belligerent action is being contemplated against the husband, it is very easy to include this clause also. For, it shall



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aggravate the antipathy for him in the eyes of others including the judicial officer.

It is like this: Many years ago, during the time when Internal Emergency was in force in India, the police in a town were on the lookout for a naxalite party member. They cornered him in a bus stand. However, he gave them the slip and ran. Immediately the police cried out, 'Catch him. He has snatched a gold chain from a female and is running.' Hearing this, the people ran after him and caught him. They gave him a severe beating before handing him over to the police.

The same is the case of including this clause without adequate wordings cautioning the chance of misuse of this clause.

In many ways, this crime is connected to the current culture of the nation. Everyone wants money. Without it, a person can go down in social 'respect' as understood in indicant word codes. Almost all government officials



who can do it, will coerce a common man for bribe; policemen do it; in fact, in this issue it has become a free for all situation, wherein all the moral and ethical teachings that this nation propounds to be part of its culture, simply becomes mere façade.

Now, it is true that anyone who is thus harasses should be punished. Not only the crooked husband, and his cronies, but also the government officials, the police officials, and the rest. Now, the only question here is how come only in the case of the husband verses wife issue is the action quite terrible, including that of an immediate police questioning and non-bail-able arrest and such things. The fact is that such a provision should be there in the case of all others including the government personnel.

Yet, here is an anomaly. In this case, simply a statement by the woman can set criminal charges to be filed. Immediately police



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actions, which is terrible initiates. It is here the writer finds it hard to digest the logic. For, if a common man gives a statement that a particular police official has threatened him with dire consequences or has actually beaten him up, because he failed to pay the due bribe, the whole accusation would be taken as a laughable matter, which wouldn't proceed further even one step.

If Indian men are said to be crude, well then, the Indian women are also not far behind. In most cases, their fathers and uncles all come into the picture to see that the impertinent person is given a sound thrashing.

Insults, ridicule, humiliation, name calling and about not having a child or male child

Now this definition:

(iii) “verbal and emotional abuse” includes—



(a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and

Verbal fights would happen in any partnership, including that of business. Yet, it has to pull on. Otherwise, the business would falter and fail. Now, the husband finds his wife irritable and he calls her names, and other insinuations, including those mentioned. The wife might give him sound verbal answers which can be provocative. Or she shall maintain a silence, implicating that he is a madman or a nitwit or simpleton who does not deserve an answer.

Or she may send out non-verbal, insulting signals.

Well, the husband may react with more violent words. The wife may be in the right or she may be in the wrong. However, for the law to take a prejudiced, and foregone conclusion that it is the husband who is in the



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wrong is a terrible foolishness. This type of foolishness has entered into domain of jurisprudence, because low quality persons have entered into this sacred arena of drafting laws. They do not know what they are doing. Or where they have entered.

Use or access to resource and facilities

Then there is

(c). prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Well, what is going on is a fight between two individuals, most probably prompted and encouraged by many others, with their own vested interests. When such fights happen, both sides would see to distress the other side. Whether a prohibition to continued use of a shared facility would come under the



exact definition of Domestic Violence is debatable.

Sexual abuse

In Section 3, Definition of Domestic Violence, Explanation (ii), Look at this:

“sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;

In a marriage, where both the wife as well as the husband is intelligent, sex is something they both decide upon. Yet, in a relationship wherein the wife is not of equal intelligence or informed, sex is something that may go beyond the limitations imposed by the penal code.

Yet, at the end of the procedure, if the wife goes ahead with a complaint that she has been subjected to something she did not like, what can the husband do?



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It would be like he is encumbered with a totally idiot wife who doesn't know what is good for at the exact time it was being enacted. The wordings do have a slight bit of idiotism embedded in it. She has the right to not to do what she doesn't want done. If he compels here, then and there she has to say it. And should not allow any furtherance of the action. Her claim that she is too weak personality-wise to put up a defence is a terrible manner of exacting justice.

Denial of sex by wife

It may be remembered that a wife can deny sex to her husband just to spite him, or to lend support to his detractors. When she denies him sex, he is literally at the level of begging for sex. Here if he forces her to have sex, it becomes forced sex. Here again, the wife does have certain powers, which need not be pure physical powers. The power to deny something legitimately the right of the



husband to ask for. If she denies it due to her not being physically fit for it is one thing. Her denying it because she is deposed to favour the enemies of the husband, is a totally different issue. Such an attitude would smack of pure infidelity.

However, the Act does not sense this difference. And moreover has no means to find the difference in an actual issue of denial of sex. It has only a one-track mind. Catch the husband and hand him over to the police.

Off course, if every day the husband ties her up and proceeds with his handy-work, then the marriage relationship is not on a healthy form. Talking a judgemental attitude about sexual procedure is also not a safe thing. The exact judging of whether what the husband has done is in the realm of cruelty cannot be formed without understanding what he has done, and whether it is a common procedure among others in a sexual activity.



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The wordings of the Act with regard to this is quite a generalisation and thus quite dangerous.

For example, there are many sexual activities that can be cursorily defined as unnatural, but are being done by an immense number of married couples.

That he is forcing her to do something she does not like is not a thing that should go to the police, unless it is something life threatening. In which case, it becomes a case of attempted homicide or something he is doing for bodily harm. There can be sadists among the men folk. But then there can be sadists among the female-folk also, about which fact the Act feigns ignorance. It is not a one-sided issue. Correction in such procedures should come from proper advice, counselling and such things, including access to quality information. Not police station.

Denial of sex by husband:



Now there is another aspect about sexual abuse that has not been mentioned. What if the husband denies sex to the wife, just to make her suffer from the deprivation? Well, that is also sexual abuse. If that be so, the denial of sex by the wife is also sexual abuse. However, the term abuse is getting quite contorted by all this legal bullying.

If the wife finds him horrible, does not like him, cant bear to be connected to him etc., which are all quite possible, then divorce is one possible choice.

Threatening a person in whom the wife is interested

Next:

(b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

Here there is something to be understood very stringently. A family is a unit in society,



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as a business is a unit in the commercial world. Each business has its own interest, which may be in competition with many other businesses. Similarly a particular family is a unit which has its own interest, and thus socially it can be said to be in competition with so many other families and their members, in regard to garnering of 'respect', money, social position, higher education etc.

Now, inside a business if one of the partners is having a link or alliance with another person in another business, which may or may not be competing with it, the other partner can naturally feel aggrieved. Each time, the other partner is moving with the other outside person or phoning him, vital information or social stamina can get transferred. Likewise, if the wife or husband is doing the same with an outside entity, who might be the father, mother, uncle, boss, colleague, lover or someone else, the spouse can get tension. To say that all this is due to



his mental weakness is just being naive, and quite un-informed about Indian social competition.

In such a situation, if repeated pleas to stop such liaison are not heeded, the aggrieved person (husband) may speak out words in quite ominous terms, hinting that some disaster may befall him or her, either through the action of providence, or by his or her own deeds. These types of talk are all quite normal human reactions to unsettling social signals and information. It is done in his or her own private areas. The person is not going to the other person's house or business premise and calling out the threats. If the husband does go to the other person's place and does it, he may first all be a brave man. Second, he can be arrested for this without resorting to the provisions of the **Protection of Women from Domestic Violence Act**. Anyway there may not be any women



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involved in this crime, for that matter, if it is a fight with another male.

Now, when a male does it, it becomes a crime. That is neither fair nor justifiable. For it simply presupposes that all males are brutes and all female are angels. Only a super nut will come out with such suppositions. Also, what is his wife business to support the other entity? She is this man's lawfully wedded wife. Her duty first and foremost is to support her husband. If she is not aware of this sacred tenet, it is indeed a failing of the government of India. For, the citizens do not seem to know basic ideas about marital life.

The non-tangible walls of a family: Now, this much also must be added here. The family unit is a sacred formation. The walls which hold it together is not the physical walls that one sees around a house, but the non-tangible wall that surrounds the concept called the family. Inside it, the members of the



family are to be secure. Now, how can anyone dare encroach this Sanctum sanctorum? Even the parents of the spouses are essentially beyond its limits unless allowed by the inmates.

Well, it is true that most husbands and wives do not measure up to this ideal. For both sides do essentially attach themselves to others outside, who put in their strings, with claims of blood relationship. Now, the law should understand that marriage is an institution that has been shaped over the centuries. Even though the culture of the place may give intrusive powers to the blood relations, the conventions associated with marriage do not allow that, nor is it permissible.

Right to curse: If the spouse curses another person who is an encroacher into his or her household, it is not a crime. It is his or her right to curse encroachers into his or her



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household, if there is no other way the encroachers can be controlled. Here the encroachment need not be physical.

An example of an encroachment: For example, if the each time one of the spouses mentions anything to be done, the other spouse wants to gets his or her parents' permission, it becomes an encroachment. For, ultimately everything done by the household has to gets the ratification from an outside entity. It literally means that the leadership of household is elsewhere, and the two spouses are mere serfs, obeying the landlord's orders. Well, no individual would like that situation. He or she has the right to curse the intruder. And one should commend him or her for that, for it more or less relieves the boiling hatred from spilling over to physical violence.

Then look at this:



4. Information to Protection Officer and exclusion of liability of informant.—

(1) Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer.

Well, even though this looks like a very innocent section, the facts and reality can be near tragic. The fact is that for any violation of any law, anyone is entitled to report to a police official. Yet, to pronounce this very specifically in the context of a law that very evidently is biased and one-sided, and wherein the accused has no properly mentioned recourse to justice and protection, this section shall remain as a very powerful tool of intimidation for outsiders, including the parents, uncles, aunts, cousins, brothers, sisters, brother-in-laws, and sister-in-laws. All that one has to do to provoke their all enmity



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is just refrain from extending their expected levels of obsequious ‘respect’. And all that they have to do is to just write a letter to Protection officer or to the local police station. It shall start a machinery which has no control or refinement. The husband would literally have to run for cover. The others could simply enjoy the spectacle with glee.

A police intervention scene: I am not saying that there would never be cause for such reporting, but then the machinery to deal with such things is quite demented. I was once witness to such a reporting. The husband was fighting verbally with the wife. The wife was also quite powerfully answering back in a tone that was quite devoid of any respect for her husband. He was very much provoked. The scene looked like that he would go in for physical violence. The police arrived. They crudely caught him by the collar, abused him verbally, and simply slapped him continuously



right in front of his wife and children. With each beat, he literally screamed with pain.

As far as the husband-wife relationship was concerned, it was a dramatic event that turned him into a non-entity inside the household. Now, the question is whether the police are the right persons to deal with such a situation. They do not have the intellectual acumen to react sanely to such incidences. It may be mentioned passing that reporting to the Protection officer is just a route for police intervention.

The negativity of the Indian social climate:

The issue here is that in the Indian social climate, the male is under many social pressures. It mainly comes from a low-quality non-English educational system that requires the effective acknowledgement of respect for any social interaction. For the extraction of this social respect, the persons involved have to show some restrain in their social



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movement, and have to be quite judgmental about whom one should move with. This goes for the wife also. It is not socially healthy to move around like a loose bullet. For, it can create hurt in the matter of social respect, not just for the wife, but also for the husband.

Enactment of statutory laws without correcting this basic error in society is not going to cure the disease. It can only aggravate it. Yet, who is there in India concerned about a general improvement of the populace? Everyone is actually interested in making money for themselves, and moving themselves or their offspring off to the English nations, away from all this negativity. I do not know if the offspring of the drafters of this Act have also done the vanishing trick to England and US.

‘Her children’: Now, I would like to discuss the term ‘her children’ which has been used a few times in the Act. What kind of idiotic description is this? How can the children be



‘her’ children, always? In most cases, the appropriate term would be ‘their children’. I wouldn’t propose that the drafters of the Act do feel that children in such cases are the products of agamogenesis.

The use of such a wording makes me feel that the drafting of this Act was done by some female who had or has had a terrible anti-male disposition. The aim seems to be to totally erase all claims to the various entities of a family life by the husband, and father. People who come with such single-track mind and carrying certain innate antipathies are not the fit persons to draft statutory laws. For their own mental afflictions and vexations would enter into the words, and mood of the statutory Act. It would affect everyone living in the nation. Why should such solitary truculent moods be allowed to do this? On what basis was such sacred responsibility given to such persons with such shifty agenda?



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Next is this:

5. Duties of police officers, service providers and Magistrate.—

A police officer, Protection Officer, service provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person—

(a) of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act;

(b) of the availability of services of service providers;

(c) of the availability of services of the Protection Officers;



(d) of her right to free legal services under the Legal Services Authorities Act, 1987 (39 of 1987);

(e) of her right to file a complaint under section 498A of the Indian Penal Code (45 of 1860), wherever relevant:

Provided that nothing in this Act shall be construed in any manner as to relieve a police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

Here we come upon a very big dilemma. The woman would have been really attacked by a vicious husband, for no wrong of hers. It is possible. Or he may have attacked her due to her belligerent stand or extramarital loyalties, to others including her parents, his parents, her family members, his family members, her boss, her colleagues, her lover and such. Yet, there has been physical violence. It has to be



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dealt with as per the law. But not necessarily by a special law that is totally prejudiced.

Now there is another possibility also there. The wife may be lying. Maybe there was a rough talk between them. He may have pulled her to him, and she would have resisted. This would make marks of roughage on her skin. She may make more marks of physical abuse. Her outside advisors would tell her what all acts to put up. So that the husband can be made an accused with a terrible charge on him. Well, don't women tell lies? They do. For money, status, claims on children and such things. Also they would do it, if her husband is not falling in line with what her parents or uncles wants. These are all facts of Indian social life. Both men and women do lie.

Then how can an Act that presupposes that women do not lie come up? And that too with draconian provisions, and unquestionable



powers to jail an accused, just on the basis of a woman's words. In this nation, neither man's nor woman's words are believable.

For example, go to an RTO office. Earlier it was said that only male officials are rude and corrupt. Now, what does one see. Both male as well as females are equally adept in the art.

Beyond all this, when the female reaches the Protection Officer, he or she is to statutorily advise her on her right to have her husband arrested. Well, his or her job is to provide her with protection from so many other things, not just her husband. He or she has to find a secure place for her to stay. As to having husband arrested, well, it is not quite a silly thing as the wordings suggest. A citizen of this nation can be arrested, off course. But then there are other equally powerful laws that govern the ways and means of arresting. Including the duty of the police official to tell



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him why he is being arrested and charges, and also his rights and ways to seek judicial redress. The Protection of Women from Domestic Violence Act naturally is not obliged to point out all these things. Yet, doesn't go beyond its limits when its wordings do encroach the rights of others as accorded in the Penal Code?

What might happen in a shelter home

Next:

6. Duties of shelter homes.—

If an aggrieved person or on her behalf a Protection Officer or a service provider requests the person in charge of a shelter home to provide shelter to her, such person in charge of the shelter home shall provide shelter to the aggrieved person in the shelter home.

Here again there are things to be mentioned. The true fact about India is that though the



public servants are paid astronomical salaries, huge perks and fantastic pension benefits, there are no homeless shelters, free rest houses and such things for the financially weaker classes. Placing a female in a shelter home is not necessarily a safe thing to do. For, the moment she is admitted, the female wardens there treat her like dirt. For, her indicant word levels fall to dirt levels.

What is required here is the building up of an innumerable number of shelter homes, which are of very elegant provisions and conveniences, where anyone can stay if they have housing problems. After all they are the citizens of this nation. And all financial resources that this nation has accumulated are for their use. Decent Homeless shelters should be built up for women, where they can stay when they feel threatened or insecure in other places. Different persons have different problems at different times. It is better in the long run not to bring in police personnel,



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Protection ‘Officers’ and such beings into the inner sanctum of a family. In many cases, a slight detachment can bring back the endearments, which had soured. But a provocative word or action by a police official or a Protection ‘Officer’ can be detrimental to such family peace. For it shall hover in the head, and create outbursts later on. The government is taking the shortcut by simply having an Act drafted, which wouldn’t cost much. Building of homeless shelters and shelters of women will cost money, which the government does want to spend. Hence the recourse to shortcuts!

Failure of formal qualifications

8. Appointment of Protection Officers.—

(2) The Protection Officers shall as far as possible be women and shall possess such qualifications and experience as may be prescribed.



Here again we come into a consternation. Usually when formal qualifications are prescribed, they do not mean much. For example, persons who have not heard of Enid Blyton, don't know even around ten English nursery rhymes, haven't heard of many English classical writers, let alone have read English classics, don't know who is Snow White and such characters, haven't had the occasion to see English films on a regular basis, are known to be MA in English. Now this is the real link between formal qualification and real quality.

Similarly persons, who do not have much innate intellectual inputs mug through some exam guides and achieve formal qualifications.

Here I would like to quote a passage from another writing of mine pertaining to education and qualification:



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Many years ago, I did see many persons like engineers, doctors, big business men, managers etc. They were all very good in English.

Most of them were quite at home in English classical literature. They had more or less climbed the Mount Everest of English Classical Literature. Their other professional attainments were just a minor extension to this magnificent achievement.

That is, they had climbed the huge Mount Everest of English Classical Literature. Then they had climbed a few more steps of their professional course. So, it was their initial achievement that of being at home in English Classical Literature that gave them the grandeur and the heights.

However, the Indian Carpenters were not educated in English. They had not climbed the Mount Everest of English Classical Literature. They simply stood on the minor



mount of knowledge in carpentry. Well, this much I said not to demean the Indian carpenters. For, their professional capacity was undeniable.

What I wanted to mention here is just this: In current day India, most (not all) professionals including the doctors, the engineers, the management professionals, the businessmen and others are all intellectually at the level of the Indian Carpenters. They haven't and can't read and understand the English Classical Literature. They stand just on the minor mount of their professional studies.

Problem of giving arbitrary powers to feebly intelligent persons: What I would like to say here is that giving arbitrary powers to such persons based on formal qualifications can be counterproductive. For here again, their sole consideration would be the exacting of 'respect' from the persons concerned. In this instance, if the husband is a person with



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some individuality, and not willing to concede obsequious ‘respect’ and subordination to such persons who don the title of ‘Officer’, yet doesn’t know the basic tenets of what an ‘officer’ means, shall be at the receiving end of draconian provisions in the Act.

Many of the things that the Protection ‘Officer’ has been entrusted to do can very well be done by the aggrieved person herself, if she has the requisite mental stamina. Here again, it is the government at fault. For one thing, it is the fault of the current educational system, that more or less erases quality from individuals, and makes them grow up with either subordinate mental features or with excessive of mental domination.

Facing the responsibility: Beyond that, where are the homeless shelters and shelter from women, where a person can reside without losing one’s decency and sense of ‘respect’ in India, that are free and run by the



government? The government and off course the drafters of this Act needs to answer such questions, before going off in a very easy track of simply sitting in front of a computer and writing sections upon sections of truculent Acts.

Bodily injuries and such things

(g) to get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the police station and the Magistrate having jurisdiction in the area where the domestic violence is alleged to have been taken place;

Now, this is an area that has to be dealt with. A woman is injured, ostensibly by her husband. It can be a grave incident, or a simple slap. Both are really beyond the rights of a husband.



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Now, the thing is that, as I mentioned earlier, this beating up process is a more common thing in this nation that understood through this Act. The teachers beat up their students, more so, and with more horror, if the school is a vernacular one.

Policemen beat up anyone who incurs their wrath. They also beat people simply to practice their 'right' to beat.

Parents beat their children.

Inside colleges, students from a powerful union beat up student from a powerless union.

Do I condone any such beating? Well, I don't find any of these actions condonable. A parent who beats his or her child, or uses abusive words, necessarily have to be given punishment. As to abusive words, I would even go to the extent of saying that even if the parent uses the so-called more intimate words for You, He, She etc. to the child, is



being abusive. Yet, these are things that the current day drafters of Statutory Acts haven't contemplated upon. And even if they have contemplated upon such things, they are more probably intellectually incapable of doing anything about it.

Now if the reader thinks that what I have dealt here is all nonsense, be aware that in English nations, whose female freedom is tried to be enforced here, a parent who beats his or her child is liable for punishment. All it requires is for the child to simply take the phone and call the police. A child in an English nation has no social or language indicant word block to make such a call.

Teachers cannot beat students in English nations.

Policemen cannot beat up the common man in English nations.



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Well, when thinking of the beating up a wife, the same is the case in English nations. A wife cannot be beaten up a husband. If he does, the wife can naturally beat him back. Here again, the Indian wife is either too docile or too rough. Never equal to the husband. Basically a problem connected to the unequal nature of the Indian communication system. Either higher or lower, never equal.

Indian husband beating up his wife, if at all he is doing it, is connected to the total culture of beating up subordinate sections, if they show seeming impertinence. The need is to correct the whole scenery. As to the law, and statutes, the wife also has the right to fight back. He slaps her; she slaps him.

Now, again, in all these issues, the provocation needs to be studied. I do not condone the beating up. Yet, when the law comes into the picture, it should take up not only the provocation, but also the possibility of the



wife telling a lie, and possibly feigning more injury than was there, or possibly feigning the whole injury, which can even be self inflicted. People do act in strange manners, when confronted with the issue of presenting evidence.

Now about the Protection ‘Officer’ examining her bodily injuries. Well, what could have happened could be so many things, including the husband beating her unilaterally. It could have been a fight between the husband and her relatives, and she could have interfered and got collateral injuries, not directly aimed at her. Naturally her parents and others would force her to use her injuries to enforce the provisions of the **Protection of Women from Domestic Violence Act**.

Or else, there is the third possibility. That the husband and wife, both went in for a head-on fight, each inflicting injury on the other. To say that this is impossible, is to be just stupid.



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Why is there no mention of the Protection ‘Officer’'s duty to examine the husband also to ascertain whether he is also injured. What he or she is presenting to the courts has to be impartial evidence. Not one-sided versions of an event. To just make a Statutory Act that calls for such one-side actions, from government officials is the height of irascibility. Why isn't there any provision for penal action against the drafters of such daft laws?

(h) to ensure that the order for monetary relief under section 20 is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974);

I haven't gone through the procedure prescribed, and so can't comment on it. Yet, the basic issue here is that the provision for Social Security for the common man, including that of adequate pension benefits



are not there in place. Such things are only there for the government employees, who more or less leech on all resources available in this nation.

Now, it may be mentioned that the writer of this book does not endorse any beating by anyone on anyone. If there are bodily injuries, then the person has to be given adequate medical attention. Here again, the quality of medical attention currently available in Public Health Centres is quite questionable.

Service organisations and a revolutionary proposal

(1) Subject to such rules as may be made in this behalf, any voluntary association registered under the Societies Registration Act, 1860 (21 of 1860) or a company registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force with the objective of protecting the rights and interests of women by any lawful



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means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act.

It is a fact of life in India, that many NGOs here exist to garner government funds or leadership over individuals in the guise of extending relief. An Act that prohibits the use of lower indicant word usage to the people who come under them might be a great relief to the already tormented female. No drafter of Statutory Acts would have the guts to even propose such a revolutionary idea, which shall naturally change the shape of this landscape from that of stifling feudalism to that of liberalism. Naturally the need for changing the national language to English is deeply embedded in this idea.

A quote from another book of mine:

“I once did ask a lady who had passed the MSW (Master in Social Welfare) about this.



She was working with a very rich Indian NGO. I asked her about the issue of ‘respect’, as they went around ‘improving’ the people. She very candidly told me thus: ‘We have been very stringently instructed to keep them in the lower case. For, if we are to use respectful words to them, they would immediately understand us as lower to them. So, we forcefully keep them suppressed. However, they are more grateful, for whatever help we give them. On the other hand, had we given them the full liberation, they would never be grateful to anything that we do for them’.”

(3) No suit, prosecution or other legal proceeding shall lie against any service provider or any member of the service provider who is, or who is deemed to be, acting or purporting to act under this Act, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this



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Act towards the prevention of the commission of domestic violence.

This bit is a very touchy issue. Who cannot proceed with a legal action against the Service Provider? Can't the female do it, if she feels that the treatment that she does get from them is abusive, intolerant, snubbing, and possibly insulting? What about her right to individuality, and dignity, which in most case will get erased by the use of lower indicant word usage? How can the drafters of this Act close their eyes to the possibility of abusive language, which is not necessarily by the use of expletives and profanity?

Also, suppose she wants to communicate again with her husband, due to a possible change in mood. The Service Providers disallows this. What is the legal standing about this? Do the Service Providers have the right to curtail her innate rights, and can they stop her from going out, or meeting anyone



she wants to speak to? Would her being in the care of the Service Provider be equivalent to being in their custody and confinement? The Act does not specifically define and curtail the possible misuse of powers, an Indian Service Provider would naturally do. For, if the Service Providers also get the feeling that the female is now in their legal possession, for the female it would be just a case of jumping from the frying pan right into the fire.

Sensitising the police and other officials

(b) the Central Government and State Government officers including the police officers and the members of the judicial services are given periodic sensitization and awareness training on the issues addressed by this Act;

This is a part of the utter nonsensical, perfunctory wordings that literally mean nothing. What kind of sensitization is there



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being imparted to the police officials, with regard to the decent ways and manners of communicating with the public. The police department functions literally in the vernacular. So, the lower levels of the vernacular indicant words are used to the public. Lower level indicant words are a highly sensitive issue. Yet, over the years, not one Indian leader has spoken against it. In fact, they have all worked to stop English from spreading. English could have erased this issue. These are points for pondering.

As to the judicial officers, they have to be made to understand that peremptory actions should be refrained from. For, ultimately the family can get destroyed, by the use of brute force of the insensitive statutory Act. People in this nation are living a life for great insecurity. The lower financial bracket husband can get humiliated and encroached upon for his lack of adequate means. On the other hand, at the higher financial levels, this



Act can act as a tool of blackmail. For, who can bear the threat of an imminent Indian-police action? It is better to pay up and escape that humiliation. An interaction with the Indian police is enough to make persons of refinement contemplate on committing suicide.

Refining the judicial order: When cases under this Act come up for judicial scrutiny, the judicial officials necessarily need to bear in mind that it is an Act that stands in direct opposition to the basic tenets of jurisprudence. And also is one that is quite insensitive to the frill issues of a married life. Moreover, both the husband as well as the wife is literally in the hands of various other official functionaries. Their travails need to be alleviated by as many means as possible. That is a point to be deeply pondered upon.

Beyond all that, the issue of what are the provocations that led to the acrimonious



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issues should be dealt with. The presence or encroachment of outside entities (including parents and other family members) into the sacred realm of a family unit, should be found out. If such nefarious incidences are suspected or found, a question on the propriety of such actions should be done. An order on the case should have connection to this aspect.

Possibility of a forging: There should be an understanding that a penal action on the husband is more or less, equivalent to granting a divorce, in many cases. So the possibility that the case is a forged up one to extract a divorce or money should also be considered. Even though judiciary functions on the platform of total impartiality, and goes solely through the evidence brought before it, in the case of this Act, what naturally comes before it from the government side can be only one-sided. Taking this fact into consideration, and also the understanding



that the avenues for the accused to defend himself is limited, and also the fact he could have already undergone the terror of a police questioning, the judicial officers is morally obliged to take an acute interest in the finer aspects of the case.

A pipedream

(c) effective co ordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence is established and periodical review of the same is conducted;

This is only pipedream. For, all of them essentially functions in feudal vernaculars. So, the issue of hierarchy shall hinder any effort at co-ordination between different government departments. For the personnel in one department will find it difficult to communicate with others in other



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departments without knowing the exact superiority or inferiority of each other, in the government service. Other than that such things as seniority of age etc. shall complicate the issue.

A legal recourse to counselling

(1) The Magistrate may, at any stage of the proceedings under this Act, direct the respondent or the aggrieved person, either singly or jointly, to undergo counselling with any member of a service provider who possess such qualifications and experience in counselling as may be prescribed.

This idea is indeed a good one. The only problem being that the counsellors with formal qualifications may not be fit for the job, unless they have the innate abilities. So, it may not be a wise idea to confine the ambit of counselling to only those with formal qualifications. How it can be extended to include other persons with innate capacity for



counselling shall need to be further studied. Beyond that there is the issue of either the respondent or the petitioner being unwilling to go for counselling, either due to the understanding of the ineptness of the counsellor, or for some reason which he or she is not willing to divulge. Would the judicial officer take a negative stand just because of this?

Contravening the concept of equal partnership

17. Right to reside in a shared household.—

(1) Notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same.



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Now, this is a very interesting aspect of the understanding of the concept of Indian Marriage. After marriage, the wife has to move from her house and live in her husband's house. In the situation, where the husband has a separate house, it more or less becomes the family house of both the husband and the wife. However the Section of the Act mentioned above, more or less, gives the understanding that after marriage, the wife moves to the husband's parents' house or to his joint family household.

Well, this part is actually a terrible part of Indian married life. The underlying understanding is that the female is more or less given to the husband. There is no reverse sense of the husband being given to the wife, in this action. The concept of husband-wife equality is nowhere in this action. There is superiority assigned to the husband. Which is a concept that does not go



well with the English understanding of the wife and husband being equal partners.

Mixing two basically different types of married lifestyles: Once this superiority is assigned to the husband, then subordination naturally gets assigned to the wife. Here again, the issue of insubordination does come in. Well, here the issue of what type of family relationship is being aimed for is the issue. Mixing up a feudal, vernacular culture family lifestyle, with a modern English language based wife-husband equal family relationship has no meaning. Both have to be dealt with differently. Meaning that the drafters of the Act should understand that these two lifestyles are entirely different from each other, with each placing the husband-wife relationship in totally different planes.

When the vernacular lifestyle is there, the same issue of children not getting up when the teacher comes into the class arises. If a



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student doesn't get up, it is an issue of absolute insubordination, disobedience, and the breaking up of the school culture. In an English nation classroom, the students do not get up when the teacher comes in.

What the wife can freely do, and what the husband can't: Now, coming back to the issue. If husband-wife equality is insisted upon by Indian jurisprudence, then, husband naturally has the right to reside inside the wife's parents' household. Why not? The question does not really reach up to this point, if one is to understand that if one of the partners does not like to live with the other, then that person has the right to move out. Well, that is what majority of women can do at any time. For, if they do not like to live with their husband, or if their parents and others do not like him, she will very well move to her house. And will, if required, put in a petition under this Act.



The same cannot be done by the husband. For, again he is liable to be penalised by this very Act. The situation, to say the least, is utter nonsense.

If the law insists that marriage poses certain responsibilities on the husband, it may be safe to understand that the wife also comes under certain codes. First of all the question arises as to whether either the husband or the wife is in possession of this knowledge or information. For that matter does the government also have any idea as to what the duties and responsibilities of the husband and wife? What are the parameters of a family life? Well, I will deal with these ideas at the end.

Right to live with enemies: Coming back to the issue of the wife having the right of residence in a household that is inimical to that idea, is to propose a total stupidity. For, if anything bad befalls her, it would naturally



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become a terrible thing for the husband's household. Why should the law insist that she can force herself on to persons who do not want her with them? She can be good or she can be bad. That is not the point here.

Here again, the question goes back to the issue of why there aren't there any quality shelters for vulnerable females run by the government? Instead of forcing helpless females into places where they are seen inimically, the government should built such shelters in all small towns, big towns and various parts of the cities, and run it on good quality levels. Does the Indian government have this basic quality to run quality institutions, that can cater to the common man?

If a woman insists on being placed back into a place which is inimical to her, what is that supposed to mean? Is she aiming to go for a head-on fight with the other inmates on a



daily basis? Either she is on a belligerent stance, or she has nowhere else to go and stay. Well, the government has to understand that at every point in time, there will be a certain percentage of women who may need to live in shelters for women. The government cannot skirt the responsibility of building such institutions and run them on quality on par with the quality they have inserted into such institutions as the IIT, IIMs and NITs. After all, the majority of the students who come out from these institutions aim to escape from India, and the rest who remain in India, never think of giving even a part of the expenditure spent on them back to the nation. Astronomically huge amounts are spent on these institutions, which really do not lend any quality improvement to the common man of this nation, other than make them feel inferior.

Where will she go?



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(2) The aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law.

Here again the issue is of a spouse who has become a millstone on the neck. If her husband doesn't want her, why the heck is she sticking on to him? Yet, the question of where will she go, if she is evicted from her house remains. That is a larger question. This question is intertwined with the question of how she will live with her husband, who doesn't like her. It is like two persons living in a room, with a bitter enmity for each other. All these questioned are linked to the innumerable other issues, I have mentioned. Including the fact that there are no codes of family life in existence in India. Without that being there, there is no meaning of going in for an Act that wants to interfere into the insides of a family life.



Cutting off communication routes

18. **Protection orders.**—

(c) entering the place of employment of the aggrieved person or, if the person aggrieved is a child, its school or any other place frequented by the aggrieved person;

(d) attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;

This is again an issue that is not as easy as seen here. A wife has been persuaded by her parents and other relatives, her husband's parents and other relatives, by her colleagues, or by some other dominating person to join an employment, which the husband doesn't want her to do. Her family members have taken her to their house, or his relatives have arranged a different place of residence to her. How is he to communicate



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with her? Especially when the issue of domestic clash is caused by the interference of all these people. Before passing such an order, the judicial officer certainly has a moral obligation to ascertain the exact cause of emotional outburst. Other than that, the writer of this book has nothing more to say.

Strings of hierarchy and the outbursts: It may be good to say something about ‘strings of hierarchy’ that I had propounded in my book: **Codes of reality! What is language?**

In feudal languages, every person is part of a string of hierarchy. It is like the son of an ordinary man. He becomes a police constable. When he is at home, he is a very obedient son of his father. Yet, the moment he dons the attire of a constable, his whole focus turns towards his superior officers. His father is nowhere in this scene.

Similarly, when a wife is with her family members, such as parents, uncles etc. she is



in a string of relationship wherein she is obedient to them all. Her husband is nowhere in this string unless he is also a subordinate in this string. When he is not a subordinate in this string, naturally the others will strive to keep his wife away from him.

His only way to get back his wife would be to communicate with her. Yet, when she stands in the external string and talks to him, her tone, voice, words, and such things will not fit in with her position as his wife. It can create outbursts from her husband, which in itself would be construed as domestic violence.

This much is for the judicial officer to bear in mind before making an order.

Violence on dependents and other persons of assistance

(f) causing violence to the dependants, other relatives or any person who give the



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aggrieved person assistance from domestic violence;

Here again, there should be an understanding that the husband has a claim on his wife. He can be bitter to persons who he feels are responsible for alienating his wife from him. Again, the other side can safely provoke him, with the understanding that he cannot do anything back, without being on the wrong side of the law. They would want to implicate him more securely. These are also the frill elements of the general partiality of this Act. The issue is that both things can happen. The husband may be an unruly person, or the wife's side may be the unruly one. Yet, the law has only a one-side view. That is where the problem arises.

19. Residence orders.—

(b) directing the respondent to remove himself from the shared household;



(c) restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;

Provided that no order under clause (b) shall be passed against any person who is a woman.

Again the complete restrains are on the husband. Domestic Violence is between two persons. The husband may be in the wrong. Or the wife may be in the wrong. There is no mention in the Act that the wife can be directed to remove herself from the premises, and her relatives can be restrained from entering the shared household. Something is certainly wrong with the drafters of this Act.

And in the exemption given to women.

No restrains on the female's side



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(d) restraining the respondent from alienating or disposing of the shared household or encumbering the same;

(e) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or

The same goes here also. The wife is not under any such restraining orders. Quite strange. When it is a fact of life that some women can also be quite cunning, sly, treacherous, and capable as some of the males here.

The wobbling of the husband

(e) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or

(f) directing the respondent to secure same level of alternate accommodation for the



aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require:

There is no provision to restrain the wife from doing any of the things mentioned. Nor is she entitled to pay for the rent of her husband, if he is made destitute on account of this draconian law. Personally speaking I have seen a man literally begging on the roads, because of the great mental havoc caused on him by his wife moving off taking his children with her. An order on her to pay for the rent and food for the husband would have been good. For, when wife moves off thus, it is a tragic fact that most husbands would literally go mad with agony. She may have not liked to live with him. Yet, the fact that there had been a marriage in place, and that in that situation she is placed in a particular relationship with him cannot be denied. When she thus leaves, creating a deep vacuum in that location, the husband shall literally



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wobble. It is also true that other men would love see to another man go down. Yet, it might be the responsibility of judiciary to see that this man is given some monetary help by the wife who has left him for a better life, so to say.

Cordoning off the children from their father

(2) The Magistrate may impose any additional conditions or pass any other direction which he may deem reasonably necessary to protect or to provide for the safety of the aggrieved person or any child of such aggrieved person.

In this passage, one does come across the satanic element in the drafters of this Act. For, the safety of the child is not the sole prerogative of the mother. The father also has the same level of love and affection for his children. To give a hint that the child is not safe in the hands of the father is a bit too



much. Maybe it might be the personal experience of the drafters of this Act, wherein children are not safe with their fathers. Yet, that is not the common norm.

Here the aggrieved person's child could also be the child of the respondent. The exception could be in the case of stepfathers. But then when stepfathers are discussed, why not the traditional understanding of stepmothers? That can also be discussed.

Police protection to the aggrieved

(5) While passing an order under sub-section (1), sub-section (2) or sub-section (3), the court may also pass an order directing the officer-in-charge of the nearest police station to give protection to the aggrieved person or to assist her or the person making an application on her behalf in the implementation of the order.



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Even though this may seem a quite innocent and possibly a quite benevolent bit of lawmaking, the actual fact is that this could be the very opposite of the wordings in effect. In a nation, where even for getting police ratification for a Passport Application one has to pay money, extend obsequious 'respect' and also bear despoiling indicant words, the very hint of a police interference has all the elements of intimidation.

Monetary obligations to pay for the attacking side

(6) While making an order under sub-section (1), the Magistrate may impose on the respondent obligations relating to the discharge of rent and other payments, having regard to the financial needs and resources of the parties.

What kind of nonsense is this? How can such one-sided wordings be inserted into the statutory law? It more or less limits the rights



of the judicial officer to make a judicious ruling.

Imposing police terror

(7) The Magistrate may direct the officer-in-charge of the police station in whose jurisdiction the Magistrate has been approached to assist in the implementation of the protection order.

Again the terror and the intimidation that can force the husband to leave everything including children and run for cover.

On returning the *stridhan* or dowry

(8) The Magistrate may direct the respondent to return to the possession of the aggrieved person her stridhan or any other property or valuable security to which she is entitled to.

This has an element of reasonableness. Yet, there should be an understanding of how the wife's share was spent. If it was utilised in any family venture that failed or was used up, in



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which both sides put in their resources, then the in issue of returning the dowry, that has to be taken into consideration also.

20. **Monetary reliefs.—**

(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include but is not limited to—

(a) the loss of earnings;

(c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and

(d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code



of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.

Again the problem here is the outrageously one-side view of the Act. Due to the family problem, the husband can also face loss of earnings, he can also face loss of property due to the belligerent action of the wife. As to maintenance for the wife, well this is necessary if she is not financially strong enough to live without it. Otherwise, it is an unjust ruling. As to the children, the father would naturally have the right and duty to see to their welfare, provided he is able to earn during the disquiet of a family dispute. The right of the father to visit and to have the children cannot be curtailed by this Act, for it is a thing that has to be studied from other aspects.

Appropriating the money from the husband



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(6) Upon the failure on the part of the respondent to make payment in terms of the order under sub section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.

The items mentioned here is good, provided, the wife is otherwise financially able to live on her own. If she is living with her wealthy relatives, who then enjoy her presence with them, then the question of forcefully taking money from the husband and giving her has to be studied in detail. If she is really in an unenviable situation, then this may be warranted. Otherwise it might be just a gesture to harass the husband through legal means. For, if the wife's family is rich,



naturally they have more access to more powerful judicial and police actions.

Arbitrary custody of children

21. Custody orders.—

Notwithstanding anything contained in any other law for the time being in force, the Magistrate may, at any stage of hearing of the application for protection order or for any other relief under this Act grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if necessary, the arrangements for visit of such child or children by the respondent:

This is a part of the law that is totally irresponsible. The child is connected to both the father as well as to the mother. Even in the case of the mother having conceived the child through an extramarital affair, about which the husband is totally unaware, the fact



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remains that the feeling of being the father really brings in deep-rooted affection, attachment and love. Even if at a later day, it is revealed that the child is not the husband's biological offspring, the attachment cannot be severed.

Now, it is a fact of life in India, and more or less emphasised by the severe partiality to the wife in this Statutory Act, that females have less social interaction, social mobility and possibly less physical stamina as compared to a male. Whereas the male can take a child for swimming, jogging, long distance travel, travel at night and such things, most females are not able to do anything like that. Moreover, they suffer from their own self-inflicted and also their own family-inflicted inferiority complex. So, it naturally follows that the father is a better person to accompany the children, provided he has the amenities to provide them with food and other conveniences.



It is true that there are an immense number of females in India, who can do these things on par with or better than men. However, they are not the general case. Now, to impose such a clause in which the children can be taken away from the father, just because of a fight between him and his wife, is a totally one-sided draconian input. It is an act that can literally make the father go crawling. For, his children would be in the hands of his detractors, who would not only talk bad things about him, but also use the lower grade pejorative indicant words to degrade him in the minds of his children. It is a totally unacceptable clause, which no judicial officer with some moral courage and conviction can enforce. For, there is no clause in the Act which gives a similar right to the father.

Moreover, there is no provision in the Act that says that the opinion and choice of the children in this regard should be taken into account.



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Insinuation that the father may harm the children

Provided that if the Magistrate is of the opinion that any visit of the respondent may be harmful to the interests of the child or children, the Magistrate shall refuse to allow such visit.

This is again a very much a point that deserves deep study. What is the harm that is alluded to? For, if the father is really harming his children, then is there any need for this specific clause? For if is proved, the judicial officer is obliged to give the appropriate order.

But then what about the idea that the attachment with the mother may harm the children? If the other clause is there, why not this clause also? Isn't it all not a bit of irresponsible law writing?

Compensation for causing emotional distress



22. Compensation orders.—

In addition to other reliefs as may be granted under this Act, the Magistrate may on an application being made by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that respondent.

Mental torture is quite a common phenomenon in India. It is there in the very varying grade of indicant words in the vernacular. Accusations of various items are mental torture. Yet, it is not a one-sided affair. The wife or husband going off in the night time without explaining to the other as to where she or he was is a terrible mental torture. Being in the company of persons, who the spouse doesn't like is mental torture. Working with or for another person, without



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the spouse's permission or liking is mental torture. Speaking in glowing terms about persons who the spouse doesn't like is mental torture. Saying that the he or she will sleep with another person disliked by the spouse, just to spite the other is mental torture. Keeping a mobile phone without the knowledge of the spouse is mental torture and deceit. Being on talking terms with enemies or persons who the spouse doesn't like is mental torture. Using non-verbal signals of disregard or disrespect is mental torture. The wife using lower indicant words to and about the husband is mental torture. However, in Indian language customs, it is not mental torture when the husband uses the same on his wife. So much is the understanding about mental torture among so-called legal luminaries, who have seen these kinds of mental torture.

Now, mental torture is not one-sided. When one side does it, the other side will



reciprocate appropriately. However, the Section mentioned above is totally one-sided and thus legally non-tenable. If compensation is being contemplated upon, then the husband can also claim the same.

Ex parte orders based on affidavits given by the wife

23. Power to grant interim and ex parte orders.—

Comments

This section provides for grant of interim orders by the Magistrate. He may also pass ex parte orders on the basis of affidavits given by the aggrieved person.

It is an okay law, provided the other aspects that suppress the respondent are not there. For example, the terror of police arrest, and harassment, just on the basis of a complaint; the unequal and biased nature of the statutory



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Act and such things make this arbitrary action, totally non-justifiable.

26. Relief in other suits and legal proceedings.—

(1) Any relief available under sections 18, 19, 20, 21 and 22 may also be sought in any legal proceeding, before a civil court, family court or a criminal court, affecting the aggrieved person and the respondent whether such proceeding was initiated before or after the commencement of this Act.

(2) Any relief referred to in sub section (1) may be sought for in addition to and along with any other relief that the aggrieved person may seek in such suit or legal proceeding before a civil or criminal court.

(3) In case any relief has been obtained by the aggrieved person in any proceedings other than a proceeding under this Act, she



shall be bound to inform the Magistrate of the grant of such relief.

The issue here is that all references to relief are mentioned only for the wife's side and no such aspect is there for the husband. Where is justice and application of the basic tenets of jurisprudence in this Statutory Act?

Breaching the court order

31. Penalty for breach of protection order by respondent.—

(1) A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

Naturally the breach of a court order is a penal offense. However, the unfair nature of the Act and the presence of such provisions



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such as that the respondent can be denied access to his children and that his detractors will have free possession of them are also things that can make a person attempt a breach. For any father with some attachment to his children, to see his children in the hands of his enemies would be a very emotionally upsetting thing.

Moreover the fact that his wife's parents' and others⁰ do not accept the fact that he is the lawfully wed husband just because he is not subordinate to them, is another disquieting thing. He is not allowed communication with her, while others do have.

Before judiciary makes a ruling in such cases of breach of order, it would be wise to seek if the wife is simply acting at the behest of her family members who do not want a person who is insubordinate to them, as her husband.

32. Cognizance and proof.—



(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offence under sub-section (1) of section 31 shall be cognizable and non-bailable.

(2) Upon the sole testimony of the aggrieved person, the court may conclude that an offence under sub-section (1) of section 31 has been committed by the accused.

Both these clauses simply give a terrible power to one side of the parties involved in the conflict. The second one is quite an utter nonsense.

33. Penalty for not discharging duty by Protection Officer.—

If any Protection Officer fails or refuses to discharges his duties as directed by the Magistrate in the protection order without any sufficient cause, he shall be punished with imprisonment of either description for a



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term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

The Act is certainly meant to send shiver down the spine of men who are going to get married. As for the other side, they are eligible to get a subordinate serving person, who if he is non-obliging, can very well end up in prison.

34. Cognizance of offence committed by Protection Officer.

No prosecution or other legal proceeding shall lie against the Protection Officer unless a complaint is filed with the previous sanction of the State Government or an officer authorised by it in this behalf.

Section 39- Cognizance of offence committed by Protection Officer.

34. Cognizance of offence committed by Protection Officer.-



No prosecution or other legal proceeding shall lie against the Protection Officer unless a complaint is filed with the previous sanction of the State Government or an officer authorised by it in this behalf.

Section 40- Protection of action taken in good faith.

35. Protection of action taken in good faith.-
No suit, prosecution or other legal proceeding shall lie against the Protection Officer for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

First see Section 34: This is just a typical stand of self-preservation that all government employees who can do draconian acts aim to get. For example, in a particular state, then ruled by the communist party, the Sales Tax officials were acting in a terribly dictatorial manner. They would threaten the helpless



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traders with huge penalties, sometimes amounting to crores of rupees. On payment of a sizable amount as bribe the tax penalty would be brought down substantially. However some of the traders, instead of paying bribe, did go in for appeal, and had the penalty repealed. After that they gave cases in the courts for harassment. Immediately the Sales Tax officials, most of them in the communist Trade Union, appealed to the Chief Minister. Before long an amendment was affected to the Sales Tax rules. As per that no legal proceeding could be taken against a Sales Tax official for anything he had done in the course of his duties, including imposition of excessive penalties. Moreover more powers of search and seizing were accorded to them.

So this Section cannot be attacked as part of the Protection of Women from Domestic Violence Act. Whatever can be said about this



only comes under a general critique of the officialdom and their powers.

Section 39 is also more or less corollary to the ideas in Section 34.

Section 40, more or reemphasises Section 34

Now that we have gone through certain items of the Act itself, let us go through some other connected items.



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Chapter 14

A critique of a Women's Commission's ideas

First let us go through the wordings of the Delhi Commission for Women website:

Quote One: The harassment of women ranging from physical beatings, emotional torture, mental abuse, sexual abuse, threat of violence, denial of basic necessity such as food and maintenance or where there are children, there is the additional blackmail that custody of the children will be denied to her if she does not fall in line....

Here what is wrong with this statement is that all these things equally true in the case of harassment of husband/men also. The wife and her relatives can resort to physical violence. She is in a very powerful arena to evoke emotional torture and mental abuse. Sexual abuse can in the form of denial of sex, or by simply threatening to lend sex to others,



or by simply moving in the company of others who may be after sex from her. She can deny food and other basic necessities. The best part is the emotional blackmail of removing children from the presence of their father. In all these things, the women folk are also equally capable. However, there are men who are weak and women who are weak. Men, both strong as well as strong, when tormented have to just grin and bear it. Strong women strike back with equal force. Weak women are seen totally devastated. Usually all statistical count of victims of domestic violence is connected to the weak women. However, they are only a fraction of the total number of persons who are parties in it.

The **Protection of Women from Domestic Violence Act**, has been written taking into cognizance only the plight of the weak women. However, the victims of this Act are not necessarily their detractors, or husbands,



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but all husbands, who are in a conflict with their wives.

Quote Two: It is no solace to be told that women can go to court for her rights. As going to Court itself is a long drawn process and torture, and very extensive often the women are simply abandoned and deserted with no means of sustenance.

The **Protection of Women from Domestic Violence Act** only proposes judicial remedies. The other remedies that can be affected can be violation of other laws prevailing in the nation. And will most probably be taking law into their own hands. As to women ending with no means of sustenance, it is the duty of the government to see that this does not happen to any women; nay, to any citizen of India. But then, who is really bothered? The members of this Commission?



Quote Three: Another very common form of violence is she (**sic**) taking of a second wife. It makes no difference that bigamy is crime, many men continue to believe that they have a right to home (**sic**) extra martial affairs.

Taking a second wife is not a common event. It is only as common as a wife having another male in her affection. Having another intimate relationship more or less signifies the failure of the first one. It can very well lead to divorce. There is no way to force a person to maintain an intimacy when their mutual trust and relationship have failed. Some people face this event in life, either because of their own non-commitment to their spouse, or due to other external events. However to make a draconian law that accuses all males of such behaviour and connects with so many other features of a married life is not correct.

Quote Four: Statistics indicate that women in this society do not own property or she (**sic**)



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matrimonial home, which belongs either to she (**sic**) husband or to his family members.

The man is therefore literally the lord and master of the home and hence considers the women to be just a worker in the house mostly and more prove (**sic**) to violence.

The first is due to the fact that there is a factor of distrust in the persevering loyalty of the wives. Laws like the Protection **of Women from Domestic Violence Act** only add to the terror and tensions in a family life, and add to the distrust.

The second factor is not really connected to the husband's culture, but to the total feudal, vernacular speaking Indian culture. The subordinate, in all type of relationships, including that of an employee is a bit like a slave. Changes should be made in the language and other communication systems. Enactment of draconian laws will not change the situation, other than make it worse. Maid



servants in the Commission members' houses also might be bearing the weight of Indian feudal behaviour. As such, it is not a husband inflicting enslavement on his wife, but what is generally seen in the Indian society.

Quote Five: (**sic**) However, there are also situations in which people have laid together in what has come to be described as common law manages for several years and such women too face violence within the relationship.

In any English nation, people in an abusive relationship can move out. However, in India, if a woman moves out alone, the first threat is from the police. They will corner her, use abusive words and lower indicant usages, and intimidate her. It is a terrorizing situation. She can even be picked up by the law enforcers and used for their own sexual antics. No one, not even the Delhi Commission for Women will come to the aid



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of the immensity of women in such dire straits.

Quote Six: It is clear that any law on domestic violence, which seeks to present it, must address all these problems and very fundamentally, must protect the right to reside in the “Shared household.” The term “(sic)shared household” is preferred over “matrimonial home”. Since the relationships protected are beyond matrimonial ones. It is the fact of being together in a common space, the intimate nature of the relationship, the privacy of the home and the unequal relations of power that provide the opportunity for the abuse of women.

Can't understand the words exactly. However, at the fig end, the term '*unequal relations of power*' is said. This issue is basically connected to the feudal Indian vernacular language words. It is not within the capacity of judiciary to correct. The change should



come in the language of communication. A simple change to English will remove that issue.

Most of the wordings are simply *blah, blah* etc. with full grammatical errors. However, there is this line:

Quote Seven: (**sic**) We, in the women's movement have a long battle ahead of us getting the government to politically commit itself to pass a law on domestic violence is a victory no doubt but an incomplete one.

Here the first thing to understand is the terrible situation of the woman, who is a wife, mother and also the housekeeper. Most of these women who suffer from family problems are essentially from the poorer classes. Here again the husband cannot be simply blamed. He is under so many social suppressions, and he cannot give more leeway to his wife than he can himself have. Otherwise, his wife will simply be seduced by a richer man or group.



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What this Delhi Commission for Women does not mention is that there is an immensity of poor people on the roadsides of Delhi who do not get any governmental help for shelter from the heat or cold. Basic necessities are not there. Instead of clamouring for family feuds and fights, that can literally end up a family life, these women would do a better job by clamouring for better living conditions for the poor in Delhi. Also for good quality shelter for both women and also for the homeless. Once living conditions improve a major part of the domestic problems will disappear.

In cases, where there is irretrievable breakdown of family relationship, the woman or man can move to a homeless shelter without loss of dignity, if they are maintained at high quality. Why can't the Delhi government and also the Indian government think of such things, instead of escaping this responsibility with a few pages of law writing?



Quote Eight: this proposed Bill does not cover violence against domestic servants. Thus, this proposed suggestion will entrance (sic) the coverance (sic) of the Bill and more aggrieved persons of society would be cover (sic) by this amendment.

Even though I can't understand the words correctly, the issue of domestic servants is highlighted. This issues is not connected to domestic violence, *per se*. But then, domestic servants in India do suffer from the horrible impact of the feudal lower indicant pejorative words. In Delhi, they are terribly low paid, and in the rest of the nation, low paid. No Social Security, and hence no bargaining power.

An Indian domestic servant is nowhere near a similarly placed person in an English nation. Even an Indian who works as a maid in an English household comes back with personality elevation. In the case of an Indian maid servant, she literally goes into the



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abysmal levels. The cause and effect is in the Indian vernaculars.



Chapter 15

Generalisation of ideas in the Act

Generalisation of ideas in the Act

Commentary about the general impressions

Look at this illustration

The issues are not standalone problems

The basic mistakes in the Act



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Now, let me go into the general impressions of the Act. A few of them are listed below. However, it may be noted that many of the items mentioned are not tangibly present in the exact wordings of the Act. I think some of them are simply derivatives of the Act, with what level of legal status, I am not sure.

1. Domestic Violence includes calling the wife abusive name and insults.

It happens in all fights. There is no need to call in the police. She has the right to retort. However, in the Indian vernacular, it shall amount to a total breakdown of relationship. Still family life will endure. For there is no other go in most cases, for both the husband as well as for the wife.

2. Husband has no trust in her.

Well, she has to build up the trust.

3. He is jealous.



It is a human failing. Most people are susceptible to it.

4. He is possessive.

It is a part of love, or can be part of the anxiety to see that he is not deprived of his wife by others.

5. He wants her to move away from her earlier relationships, including friends.

In certain cases, the incessant interference and even calling her on the mobile by her parents and uncles etc. will not be liked by the husband. This is natural if the concept of a family life is clearly understood. For, if the others' interference is creating problems of adherence in the family unit, it is right that the husband can disallow it.

6. He wants to know where she goes, who she calls and who she spends her time with

Well, there is a new relationship called marriage that has sprung up. Even in a



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business organization, the boss or the partner would be inquisitive about the movement of the other partner or employees, if they are moving in the company of competing businessmen or organisations. If all this is not the business of the husband, then it is not the business of the wife to have married him in the first place. Marriage means entering into a new partnership. It is not a trifle affair.

However, much depends on the language of communication. In English, a more leeway naturally comes in. In feudal vernaculars, the whereabouts of the wife's movement can affect the husband's indicant word level, which is a very crucial thing in Indian social communication.

7. He does not want her to work for others.

Well, working in India literally lends power and leadership to another person, the boss. The husband is naturally deprived of this prop, and the other entity is getting this. This



concept and problem is not there in English, but it is very much there in Indian vernaculars.

8. Keeps all money to himself and gives her only what he thinks should be with her.

Well, this man is too insecure. Have to change him. The wife has to bring about this change. Or else desert him. No need to go to the police for that.

9. Shows no love for her.

Well, he has no love for her. If she has love for him, the marriage may still work. Otherwise, it is only a matter of time, before it breaks down. Both persons wait for an ideal time to break off. If the husband does it first, the provision of this Act can be invoked. If the wife does it first, the husband can go around licking his wounds. Yet, actually, it is not a thing for the police to interfere, to enforce love.



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10. He wants her to ask his permission for everything.

Well, it might be his own mental disposition for domination. It is not a male character, but the character of certain persons, both male as well as female. Or else, it may be a misunderstanding of what he expects from her. Informing him about what she is going to do is a healthy thing. It need not always be misconstrued as permission. It is all a matter of communication and being honest. Telling lies can gnaw at the basis of a relationship. She can also ask him his whereabouts.

11. He continually uses words of threat towards her family members.

Well, if they are doing something inimical to the stability of his family unit, then he can be excused. For, by the mouthing of such words, his overall anger may alleviate. It depends. But then the issue of a police case based on what he speaks inside his own house is not



correct. If he goes into the other people's house and threatens them, then it naturally becomes a police case, even without the provision of the **Protection of Women from Domestic Violence Act**.

12. He does insult her in many ways.

Well, the issue is connected to whether she humiliates him in any manner. Or there are any other provocative actions from his side. If not, then what is required is a marriage counsellor, not a police constable. If things are not going to improve and she can't live with him, divorce is the next option. But then the inimical interests of others who want to insert a wedge into their family unity should also be investigated. She can't have him and also have a police case on him. One or the other. It is here the real menace of this Act comes in. The invoking of this Act literally means the end of a marriage. Well, then it is just a tool in the hands of one side of the



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fight, when the relationship is going to end. A tool which is literally beyond judicial tenability.

Commentary about the general impressions: However, the items mentioned above are just the general impressions about the Act. However some of the items have not been specifically mentioned in the Act and are just mere extensions arrived at by other people depending on their own living conditions.

Look at this illustration: When a woman comes to work as a domestic servant, the householder is delighted. She is efficient. Yet, her husband objects to her working thus. Now, it becomes an issue of Domestic Violence as per the interpretations arrived at. The householder would proclaim it loudly that the husband is not allowing his wife to work for him or her. Yet, the husband has his reasons that his wife should not work in such a menial level. For it would affect the total



social standing of the family, including the husband, wife and the children. Suppose the wife is coming from a lowly background, she may not understand the implications of what she is doing. The husband's reasons are on sound ground. But it is a violation of her rights. It may even be considered as a violation of the householder's right to employ the other man's wife. Seen from English all these things are quite unintelligent and silly. However, seen from the Indian vernacular languages, the domination of another man's wife by another person is a tragic affair. The so-called **Protection of Women from Domestic Violence Act** has no means to understand this issue.

For in the case mentioned now, the very appointment of the wife as a domestic servant can send the husband into a mental trauma. It is sure the householder (male or female) will be quite nice to the woman, for it is the issue



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of having successfully persuaded the wife of a dissenting man to join his or her service.

The issues are not standalone problems:

Well, most of the things associated with the so-called Domestic Violence are not standalone items. They are connected to the interests of other people, lack of training in quality communication, lack of a secure place to live without intrusion from others, lack of money, interference from family members and also to the fact that at least a limited number of marriages take place between persons who are not fit for each other.

The basic mistakes in the Act: The problem with the Act is that it does not take into consideration the fact that in a certain percentage of cases, the husband can be right and wrongly accused.

Second is that the law does not act impartially. It is totally biased, and written by



some persons to avenge some personal failures in their own life.



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Chapter 16

The need for a code for Indian Married Life

What the Act fails in

The government endeavour, the codes in the vernacular and the strivings of the religions

About the word Obey

Now, let come to the final part.



What the Act fails in: What is to be done is to protect the basic unit of society. That is the unit called family. In this proposition, the **Protection of Women from Domestic Violence Act** totally fails. Moreover there is no spirit or endeavour in its wordings to save the family from destruction. It aims at its total disintegration. The way the police powers and intervention are being invoked is in a most inconsiderate and callous manner.

The government endeavour, the codes in the vernacular and the strivings of the religions: The government of India has endeavoured to enter into the inner sanctum of an institution that has survived the various experiences of centuries of human living. In this nation, this institution has been shaped by the peculiarity of the feudal vernacular languages and also by the striving of the various religions to fortify the institution of marriage. Both have worked in opposition to each other.



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The feudal vernaculars have tried to dissolve the non-tangible boundaries of the family unit, giving rights to various others like the parents of the spouses, the uncles, aunts, sisters, brothers, sister-in-laws, brother-in-laws, cousins, and even neighbours rights within the parameters of the family. The religious codes may have aimed at scuttling these intrusive rights.

It is not intelligent of the government of India to perch on the top level of this unit called family and try to straighten out the errors from the top. What is required is a studied attempt at first writing a code of family life, taking into consideration the various kinds freedoms allowable in a family to the individual members including the children. Currently it may be understood that the stupid *CHILD LABOUR (PROHIBITION AND REGULATION) ACT* does curtail the right of children to work and to earn. The compulsory



education Act forces children to end up in subordination to abysmal standard teachers.

What is required is not another draconian code that shall try to contain the family relationships in sharp settings, but a general idea about what are the mutual expectations in a family life. What are its boundaries, beyond which no other person has right to enter without permission. The issue of Indian vernacular codes. The different type of relationship in an English setting. Well, to make such a code really needs real guts. Who has it in India?

Yet, the idea of commitment, endearment, affection and loyalty to one's spouse should be taught in the schools. The current craze for sex education should be dispensed with. For amenities for sex education are in plenty. What is lacking is an understanding about the beauty of love, affection, trust, loyalty, standing by one's spouse and such other



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things. Ideas about what is wrong in treachery, infidelity, betrayal, cheating, telling lies to the spouse, and leaving him or her in the lurch when the going gets tough, are themes that should go with it.

About the word Obey: Now, before concluding this writing, let me just mention a word. That is *obey*. Should the wife obey the husband? Is it a feature of an abusive relationship that the husband insists that the wife should listen to him? Well, there is a relationship in a marriage. The word *obey* does not go into the parameters wherein the husband can command her to do anything she dislikes. What is permissible only he can insist. When she listens to him, there is fortification of the family unit. When she disobeys, there an enfeebling of the family unit. That is all. It can be mutual.

In the final count, the family has to be strong. If the husband fails, the family might fail. Yet,



the wife may feel that she can do a better job. Well, it depends. If she can move ahead with her husband's assent, it is good. Otherwise also she can move. Yet, a problem is being sown. What happens in life is anybody's guess.



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